



UNCONFIRMED MINUTES  
ORDINARY MEETING OF COUNCIL  
3 OCTOBER 2024

## TABLE OF CONTENTS

1.	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS		4
2.	ANNOUNCEMENTS BY THE PRESIDENT		4
3.	ATTENDANCE		4
4.	DECLARATIONS OF INTEREST		4
5.	PUBLIC QUESTION TIME		5
6.	PRESENTATIONS		5
7.	CONFIRMATION OF MINUTES:		5
8.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:		6
9.	COUNCIL OFFICERS' REPORTS:		6
<b>29565</b>	9.2.1	Proposed Lease to The Manjimup Trail Bike Hub Inc. 51 Mottram Street, Manjimup	8
<b>29566</b>	9.2.2	Proposed Transfer and New Lease - Walpole Family Centre Inc to Regional Early Education and Development Inc	12
<b>29567</b>	9.3.1	Shire Financial Payments for August 2024	18
<b>29568</b>	9.3.2	Monthly Statement of Financial Activity - August 2024	21
<b>29569</b>	9.5.2	Proposed Industry - Rural (Workshop) at Lot 16 (788) Middlesex Road, Middlesex	24
<b>29570</b>	9.5.3	Delegated Planning Decisions August 2024	33
<b>29571</b>	9.5.4	Request for Support and to Adopt for the Purposes of Advertising Proposed Scheme Amendment - Lot 4 (6857) South Coast Highway, Walpole	36
<b>29572</b>	9.7.1	Proposed Appointment of Fire Control Officers for the 2024/2025 Bush Fire Season	43
<b>29573</b>	9.9.3	Proposed Trail Head in Walpole Pioneer Park	46
<b>29574</b>	9.9.4	Proposed Lotterywest Application - Completion of Building Works Pemberton Community Hub Balang Miya	54
<b>29575</b>	9.1.1	Endorsement of Western Australian Local Government Association's Election Advocacy	60
<b>29576</b>	9.5.1	Application for Retrospective Approval for Land Clearing at Lot 43 Quenda Drive, Northcliffe	67
<b>29577</b>	9.9.1	Manjimup Rea Park and Collier Street Redevelopment Project: Proposed Application Growing Regions Round Two	75
<b>29578</b>	9.9.2	Proposed Budget Amendment - Feasibility Study for Establishment of Off-Road Vehicle Area	84
<b>29579</b>	9.15.1	Unconfirmed Minutes of the Northcliffe Forest Park Advisory Committee Meeting held 4 September 2024	88
<b>29580</b>	9.16.1	Unconfirmed Minutes of the Manjimup Heritage Park Advisory Committee Meeting held on 13 August 2024	92
<b>29581</b>	9.16.2	Unconfirmed Minutes of Walpole Town Activation Advisory Committee Meeting held 27 August 2024	97

<b>29582</b>	9.16.3	Unconfirmed Minutes of the Northcliffe Town Activation Advisory Committee Held 30 August 2024 .....	101
<b>29583</b>	9.16.4	Unconfirmed Minutes of the Reconciliation Action Plan Advisory Committee Meeting held 20 September 2024 .....	106
10.		LATE REPORTS .....	111
11.		QUESTIONS FROM MEMBERS .....	111
12.		MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING	111
13.		NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING .....	111
14.		MEETING CLOSED TO THE PUBLIC.....	112
15.		APPLICATIONS FOR LEAVE OF ABSENCE.....	115
16.		CLOSURE .....	115

## SHIRE OF MANJIMUP

Minutes of the Ordinary Meeting of Council held in the Council Chamber, Thursday, 3 October 2024.

### 1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Deputy Shire President declared the meeting open at 5.30pm and made an Acknowledgement of Country.

### 2. ANNOUNCEMENTS BY THE PRESIDENT

Nil.

### 3. ATTENDANCE

#### Councillors

Cr S Miolin (Deputy Shire President)  
Cr J Darin  
Cr W De Campo  
Cr W Eiby  
Cr P Omodei  
Cr M Ventris  
Cr J Willcox  
Cr C Winfield

#### Staff

Mr Benjamin (Ben) Rose (Chief Executive Officer)  
Mr Greg Lockwood (Director Business)  
Ms Gail Ipsen Cutts (Director Community Services)  
Ms Jocelyn Baister (Acting Director Development Services)  
Mr Michael Leers (Director Works & Services)  
Ms Gaye Burridge (Corporate Administration Officer)

#### 3.1 Apologies

Nil.

#### 3.2 Leave of Absence

Shire President Donelle Buegge was granted a Leave of Absence for this meeting.

### 4. DECLARATIONS OF INTEREST

Nil.

**5. PUBLIC QUESTION TIME**

5.1 Response to public questions taken on notice

Nil.

5.2 Public Question Time

Nil.

**6. PRESENTATIONS**

**6.1 Petitions**

Nil.

**6.2 Presentations**

Nil.

**6.3 Deputations**

A Deputation from Sam William pertaining to Item 9.5.4 was received and read out by the Chief Executive Officer. The email is attached.

**6.4 Delegates' reports**

Nil.

**6.5 Conference reports**

Nil.

**7. CONFIRMATION OF MINUTES**

**MOVED: Cr Omodei      SECONDED: Cr Willcox**

**29563**

**That the Minutes of the Ordinary Meeting of the Council held on 12 September 2024 be confirmed as a true and accurate record.**

**CARRIED: 8/0**

**For:** Cr Darin, Cr De Campo, Cr Eiby, Cr Miolin, Cr Omodei, Cr Ventris, Cr Willcox, Cr Winfield.

**Against:** Nil.

**8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**9. COUNCIL OFFICER REPORTS**

**MOVED: Cr Omodei      SECONDED: Cr Willcox**

**29564**

**“That Council adopt the recommendations contained in the Council Officers and Committee Reports on pages 1 – 97 of the Agenda with the exception of:**

9.1.1	Endorsement of Western Australian Local Government Association's Election Advocacy
9.5.1	Application for Retrospective Approval for Land Clearing at Lot 43 Quenda Drive, Northcliffe
9.9.1	Manjimup Rea Park and Collier Street Redevelopment Project: Proposed Application Growing Regions Round Two
9.9.2	Proposed Budget Amendment - Feasibility Study for Establishment of Off-Road Vehicle Area
9.15.1	Unconfirmed Minutes of the Northcliffe Forest Park Advisory Committee Meeting held 4 September 2024
9.16.1	Unconfirmed Minutes of the Manjimup Heritage Park Advisory Committee Meeting held on 13 August 2024
9.16.2	Unconfirmed Minutes of Walpole Town Activation Advisory Committee Meeting held 27 August 2024
9.16.3	Unconfirmed Minutes of the Northcliffe Town Activation Advisory Committee Held 30 August 2024
9.16.4	Unconfirmed Minutes of the Reconciliation Action Plan Advisory Committee Meeting held 20 September 2024

**Items passed by En Bloc Resolution**

- 9.2.1 Proposed Lease to The Manjimup Trail Bike Hub Inc.  
51 Mottram Street, Manjimup
- 9.2.2 Proposed Transfer and New Lease - Walpole Family Centre Inc to Regional Early Education and Development Inc
- 9.3.1 Shire Financial Payments for August 2024
- 9.3.2 Monthly Statement of Financial Activity - August 2024
- 9.5.2 Proposed Industry - Rural (Workshop) at Lot 16 (788) Middlesex Road, Middlesex

**CARRIED: 8/0**

**For:** Cr Darin, Cr De Campo, Cr Eiby, Cr Miolin, Cr Omodei, Cr Ventris, Cr Willcox, Cr Winfield.

**Against:** Nil.

- 9.5.3 Delegated Planning Decisions August 2024

- 9.5.4 Request for Support and to Adopt for the Purposes of Advertising Proposed Scheme Amendment - Lot 4 (6857) South Coast Highway, Walpole
- 9.7.1 Proposed Appointment of Fire Control Officers for the 2024/2025 Bush Fire Season
- 9.9.3 Proposed Trail Head in Walpole Pioneer Park
- 9.9.4 Proposed Lotterywest Application - Completion of Building Works Pemberton Community Hub Balang Miya

### 9.2.1 Proposed Lease to The Manjimup Trail Bike Hub Inc. 51 Mottram Street, Manjimup

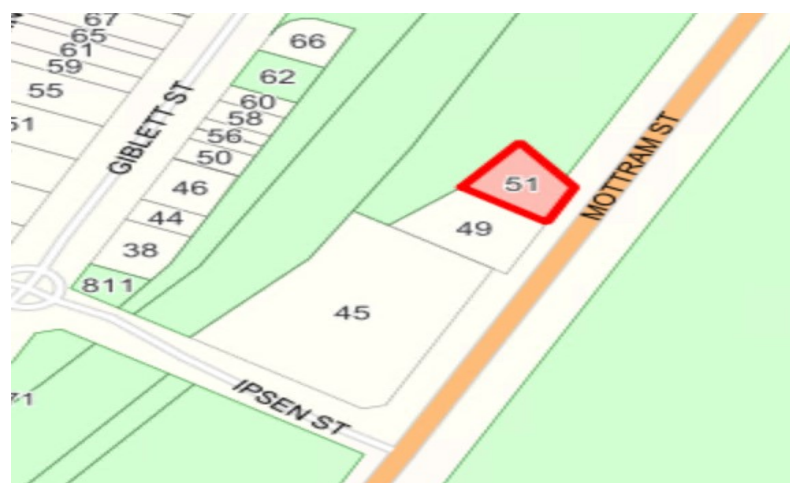
<b>PROPONENT</b>	The Manjimup Trail Bike Hub Inc.
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	51 Mottram Street, Manjimup
<b>WARD</b>	Urban
<b>ZONE</b>	Town Centre
<b>DIRECTORATE</b>	Business
<b>FILE REFERENCE</b>	F240173
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Jasmine Bamess
<b>DATE OF REPORT</b>	17 September 2024
<b>DECLARATION OF INTEREST</b>	Nil

### BACKGROUND

The Manjimup Trail Bike Trails Hub Feasibility Report was adopted by Council on 11 May 2017. There have since been various Council resolutions for the Shire of Manjimup to coordinate and oversee implementation of the Manjimup Trail Bike Trails Hub project, to be the primary applicant for a grant application for Stages 1, 2 and 4 and to contribute Shire funding to these stages. Council resolutions also reflected the intention to transition from the Shire to The Manjimup Trail Bike Hub Inc. being the organisation to manage the project.

On 25 March 2021 Council resolved to purchase 51 Mottram Street, Manjimup in freehold for the purpose of the Manjimup Trail Bike Hub trail head facility as part of Stage 4 of the project. Construction of the building for the trail bike hub on the property is now complete.

This agenda is to seek Council endorsement of a proposed lease to The Manjimup Trail Bike Hub Inc.



### PUBLIC CONSULTATION UNDERTAKEN



Nil.

## **COMMENT**

The building on 51 Mottram Street, Manjimup is purpose built to be the trail bike hub facility. The intention has been for the Shire to retain ownership of the premises and lease it to The Manjimup Trail Bike Hub Inc. once they are operational.

The association registered their incorporation in 2019. However, as the grant funding was received and administered by the Shire, the association has not been financially active during this time. The association are now obtaining insurance and will commence financial and other activity and therefore are ready to commence a lease arrangement.

The recommendation is to proceed with a lease as intended by the project and in accordance with the standard lease terms and conditions for community associations.

## **STATUTORY ENVIRONMENT**

Section 3.58 of the *Local Government Act 1995* outlines requirements for leasing Shire land; however Section 30(b) of the *Local Government (Functions and General) Regulations 1996* exempts from these requirements leases to charitable, benevolent, educational, recreational, sporting or other like bodies, provided the members are not entitled to receive any pecuniary profit. The proposed lease complies with this exemption.

## **POLICY / STRATEGIC IMPLICATIONS**

In accordance with Council Policy 4.2.8 *Property Leasing*, it is proposed that the lease will be for a term of five years, with a five year renewal option, commencing at a rental of ten dollars (\$10) payable on demand. Lease agreements to community associations include a clause that provides that the lease fee can be reviewed by the Shire on an annual basis with reference to Council Policy 4.2.8 *Property Leasing*.

Council Policy 1.2.8 *Authority to Execute Documents on Behalf of Council* requires matters concerning the leasing of Shire managed land to be put before Council.

The proposed lease terms and conditions will be in accordance with Council Policy 4.2.8 *Property Leasing*, including maintenance responsibilities.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

Lessees are responsible for the lease preparation fee set in the annual fees and charges.

Maintenance responsibilities and outgoings for the premises will be in accordance with the property leasing policy, with the Shire responsible for structural maintenance and building insurance.

The association may receive funding from the Shire in accordance with the project funding and deliverables separate to the lease arrangement.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: The purpose of the trail head facility is to support the provision of a formalised network of trail bike trails for local residents and visitors.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council authorise the Chief Executive Officer to execute a lease agreement to The Manjimup Trail Bike Hub Inc. for 51 Mottram Street, Manjimup, for a term of five years with a renewal option of a further five year term, subject to:**

- 1. The conditions being to the satisfaction of the Chief Executive Officer;**
- 2. The lessee being responsible for the lease preparation fee; and**
- 3. The annual rental, after the initial 12 months, being consistent with the planned Shire-wide lease review and revised Council Policy 4.2.8 Property Leasing.**

## **COUNCIL RESOLUTION**

**MOVED: Cr Omodei      SECONDED: Cr Willcox**

**29565**

**That Council authorise the Chief Executive Officer to execute a lease agreement to The Manjimup Trail Bike Hub Inc. for 51 Mottram Street, Manjimup, for a term of five years with a renewal option of a further five year term, subject to:**

- 1. The conditions being to the satisfaction of the Chief Executive Officer;**
- 2. The lessee being responsible for the lease preparation fee; and**
- 3. The annual rental, after the initial 12 months, being consistent with the planned Shire-wide lease review and revised Council Policy 4.2.8 Property Leasing.**

**ADOPTED BY EN BLOC RESOLUTION: 8/0**

**ATTACHMENT****9.2.2 Proposed Transfer and New Lease - Walpole Family Centre Inc to Regional Early Education and Development Inc**

<b>PROPONENT</b>	Walpole Family Centre Inc Regional Early Education and Development Inc
<b>OWNER</b>	Management Order to Shire of Manjimup
<b>LOCATION / ADDRESS</b>	12 Swan Street, Walpole (Reserve 36516)
<b>WARD</b>	Rural
<b>ZONE</b>	Town Centre
<b>DIRECTORATE</b>	Business
<b>FILE REFERENCE</b>	F160703
<b>LEGISLATION</b>	<i>Local Government Act 1995</i> <i>Land Administration Act 1997</i>
<b>AUTHOR</b>	Jasmine Bamess
<b>DATE OF REPORT</b>	19 September 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

Reserve 36516, 12 Swan Street, Walpole was vested to the Shire of Manjimup in 1980 and has been used for a playgroup and similar purposes since.



Walpole Family Centre Inc have had a Licence to Occupy arrangement from the Shire of Manjimup since 2007. The current licence term has three years

remaining. Walpole Family Centre Inc operate a childcare service from the premises.

Regional Early Education and Development Inc (REED) are an Early Childhood Education and Care service provider established in 2018 and now with services throughout regional Western Australia.

Walpole Family Centre Inc (WFC) approached REED expressing an interest in a merger. The two have since signed a merger agreement and have requested to transfer the licence/lease arrangement to REED. Further information is available from the two parties in the attached letters.

**ATTACHMENT: 9.2.2 (1)**

**ATTACHMENT: 9.2.2 (2)**

This agenda is to seek Council support for the transfer and a new lease to REED.

## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## **COMMENT**

The intention of WFC and REED is that the merger will be completed in late 2024, subject to receiving approval for a lease to REED. Once the merger is complete, REED will assist the WFC committee to wind up their Association in accordance with the *Incorporated Association Act 2015* as they are only operating as a childcare provider.

Walpole Family Centre were granted a licence to occupy as it did not give them exclusive use of the building. The Shire retained the right to authorise other uses of the premises, as they were only operating four days per week and there had historically been some use by the Walpole Playgroup. As there is currently no shared use of the building, it is appropriate to offer REED an exclusive lease if the transfer is supported. The lease would permit some casual hire of the building from REED to other community associations if the opportunity arises.

In accordance with Council Policy 4.2.8 *Property Leasing* a lease would be recommended for a term of five years, with a renewal option of a further five year term, commencing on a peppercorn arrangement. REED's preference is to enter into a long term lease arrangement, for a minimum of five years and a five year extension option, although they have advised they would be open to a longer lease term.

The licence from the Shire to WFC is currently on a peppercorn arrangement and REED have requested that the new lease also be on a peppercorn

arrangement. Council's current property leasing policy outlines lease fees of \$10 per annum, payable on demand (equivalent to a peppercorn rental) for organisations with a minimal income earning capacity. However, the standard lease agreements issued to community organisations include the ability for the lease fee to be reviewed on an annual basis, with reference to the Council leasing policy.

REED have been advised that although the policy currently would suggest a peppercorn arrangement, this policy is currently under review and Council recently resolved to:

*Direct the Chief Executive Officer to undertake a review of all leases with clubs, community groups and recreational bodies; and anything considered a 'peppercorn lease.' This review, along with the proposed Strategic Asset Review, is to inform a revision of Council Policy 4.2.8.*

REED have advised they are a not-for-profit association, with income derived from parent fees which are impacted by the expense they incur. REED have expressed concern with potential rent reviews and advised they would be seeking some certainty about potential future rental costs.

The recommendation is to agree to terminate the current licence with WFC and offer a new lease to REED in accordance with the current property leasing policy. Until the proposed review of peppercorn leases and leasing policy is completed Shire officers are unable to provide the certainty about rental reviews that REED are seeking.

## **STATUTORY ENVIRONMENT**

Section 3.58 of the *Local Government Act 1995* outlines requirements for leasing Shire land; however Section 30(b) of the *Local Government (Functions and General) Regulations 1996* exempts from these requirements leases to charitable, benevolent, educational, recreational, sporting or other like bodies, provided the members are not entitled to receive any pecuniary profit. The proposed lease complies with this exemption.

Each lease and licence on Crown land require the approval of the Minister for Lands in accordance with section 18 of the *Land Administration Act 1997*.

## **POLICY / STRATEGIC IMPLICATIONS**

Council Policy 1.2.8 *Authority to Execute Documents on Behalf of Council* requires matters concerning the leasing of Shire managed land to be put before Council.

The proposed lease terms and conditions will be in accordance with Council Policy 4.2.8 *Property Leasing*, including maintenance responsibilities.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

Lessees are responsible for the lease preparation fee set in the annual fees and charges.

Although Walpole Family Centre have undertaken some fit out to the building and outside play area and the current use will continue, REED will need to fund any further building fit out, improvements and/or modifications for the premises to be suitable for their use.

It is also recommended to acknowledge that ownership and responsibility for any fit out and improvements added to the premises by Walpole Family Centre Inc. during their occupation is transferred to REED. This would include the outdoor play area.

The Shire will continue to be responsible for structural maintenance and building insurance in accordance with the lease, Council policy and annual budgets approved by Council.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: The proposed lease will allow the continuation of an important childcare service to the Walpole community. REED have advised that current WFC staff will be encouraged to transfer employment to REED and families using the service will be supported to transfer their enrolment to REED.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council authorise the Chief Executive Officer to:**

- 1. Terminate by mutual consent, the Licence to Occupy 12 Swan Street, Walpole (Reserve 36516) to the Walpole Family Centre Inc; and**
- 2. Execute a lease agreement to Regional Early Education and Development Inc for 12 Swan Street, Walpole (Reserve 36516), for a**

**term of five years with a renewal option of a further five year term, subject to:**

- a) approval from the Early Childhood Regulatory Unit for transfer of the approved provider status from Walpole Family Centre Inc to Regional Early Education and Development Inc;**
- b) the building is accepted in an 'as is' condition, with Regional Early Education and Development Inc to accept ownership and responsibility for any fit out and improvements currently owned by Walpole Family Centre Inc and to fund any additional fit out and modifications for their use;**
- c) lease conditions to the satisfaction of the Chief Executive Officer;**
- d) the annual rental, after the initial 12 months, being consistent with the planned Shire-wide lease review and revised Council Policy 4.2.8 Property Leasing;**
- e) Regional Early Education and Development Inc being responsible for the lease preparation fee; and**
- f) approval of the Minister for Lands.**

#### **COUNCIL RESOLUTION**

**MOVED: Cr Omodei      SECONDED: Cr Willcox**

**29566**

**That Council authorise the Chief Executive Officer to:**

- 1. Terminate by mutual consent, the Licence to Occupy 12 Swan Street, Walpole (Reserve 36516) to the Walpole Family Centre Inc; and**
- 2. Execute a lease agreement to Regional Early Education and Development Inc for 12 Swan Street, Walpole (Reserve 36516), for a term of five years with a renewal option of a further five year term, subject to:**
  - a) approval from the Early Childhood Regulatory Unit for transfer of the approved provider status from Walpole Family Centre Inc to Regional Early Education and Development Inc;**
  - b) the building is accepted in an 'as is' condition, with Regional Early Education and Development Inc to accept ownership and responsibility for any fit out and improvements currently owned by Walpole Family Centre Inc and to fund any additional fit out and modifications for their use;**
  - c) lease conditions to the satisfaction of the Chief Executive Officer;**
  - d) the annual rental, after the initial 12 months, being consistent**



**with the planned Shire-wide lease review and revised Council Policy 4.2.8 Property Leasing;**

- e) Regional Early Education and Development Inc being responsible for the lease preparation fee; and**
- f) approval of the Minister for Lands.**

**ADOPTED BY EN BLOC RESOLUTION: 8/0**

**ATTACHMENT****9.3.1 Shire Financial Payments for August 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>WARD:</b>	ALL
<b>ZONE:</b>	Whole of Shire
<b>DIRECTORATE:</b>	Business
<b>FILE REFERENCE:</b>	F160967
<b>LEGISLATION:</b>	<i>Local Government (Financial Management) Regulations 1996</i>
<b>AUTHOR:</b>	Craig Martyn
<b>DATE OF REPORT:</b>	19 September 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

It is a statutory requirement for a list of payments from the Municipal and Trust Funds to be presented to Council and included in the Minutes.

Effective from 1 September 2023, local governments are required to disclose information about purchases made on purchasing cards, such as corporate cards, debit cards, store cards, fuel cards and taxi cards.

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

Accounts for payment totalling \$1,890,616.52 for the month of August 2024 including Corporate Card transactions, Ampol and BP fuel cards and Wright Express (Coles cards) transactions for July 2024, are attached.

**ATTACHMENT: 9.3.1(1)**

<b>Payment by Fund</b>	<b>Amount</b>
Municipal – August 2024	\$1,890,616.52
Trust Fund	\$0.00
<b>Total</b>	<b>\$1,890,616.52</b>

Electronic Funds Transfer (EFT), direct debits, and cheque payment reports are available for inspection at the Ordinary Meeting of Council of 3 October 2024.

<b>Fund</b>	<b>Batch or cheque no.</b>	<b>Amount</b>
<b>Municipal Payments for Month August 2024</b>		
Cheque payments	95602 – 95616	\$17,466.71
EFT	344 – 349	\$1,096,994.67
Direct Debits		\$23,472.79
Payroll – August 2024		\$752,682.35
<b>Total Payments – August 2024</b>		<b>\$1,890,616.52</b>

<b>Direct Debit for Card Payments</b>	<b>Amount</b>
Corporate Credit Cards – July 2024	\$17,375.05
Wright Express - Coles – July 2024	\$628.42
<b>Total</b>	<b>\$18,003.47</b>
<b>Direct Debit payments included on Warrant Listing Report – August 2024</b>	

<b>Fuel Card Payments</b>	<b>Amount</b>
BP Cards – July 2024	\$8,367.63
Ampol Cards – July 2024	\$1,178.03
<b>Total</b>	<b>\$9,545.66</b>
<b>Fuel Card Payments included on Electronic Funds Transfer (EFT) payments on Warrant Listing Report – August 2024</b>	

## **STATUTORY ENVIRONMENT**

*Local Government (Financial Management) Regulations 1996*, regulations (12) and (13).

## **POLICY / STRATEGIC IMPLICATIONS**

Nil.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

As stated.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

**VOTING REQUIREMENTS: SIMPLE MAJORITY**

**OFFICER RECOMMENDATION**

**That Council note the August 2024 accounts for payment totalling \$1,890,616.52 as detailed within Attachment: 9.3.1(1).**

**COUNCIL RESOLUTION**

**MOVED: Cr Omodei      SECONDED: Cr Willcox**

**29567**

**That Council note the August 2024 accounts for payment totalling \$1,890,616.52 as detailed within Attachment: 9.3.1(1).**

**ADOPTED BY EN BLOC RESOLUTION: 8/0**

**ATTACHMENT****9.3.2 Monthly Statement of Financial Activity - August 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Whole Shire
<b>LOCATION / ADDRESS:</b>	Whole Shire
<b>WARD:</b>	Whole Shire
<b>ZONE:</b>	N/A
<b>DIRECTORATE:</b>	Business
<b>FILE REFERENCE:</b>	F160188
<b>LEGISLATION:</b>	<i>Local Government Act 1995; Local Government (Financial Management Regulations) 1996</i>
<b>AUTHOR:</b>	Greg Lockwood
<b>DATE OF REPORT:</b>	20 September 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

The *Local Government (Financial Management) Regulations 1996* require monthly Statement of Financial Activity reports to be prepared and presented to Council, containing the following information:

- Annual budget estimates.
- Estimates to end of month.
- Actual expenditure.
- Actual income.
- Material variances.
- Net current assets.

The Statement of Financial Activity report for the period to 31 August 2024 is attached. The report is summarised by "Type" with operating comments identifying departments with a reportable variance.

**ATTACHMENT: 9.3.2 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

The financial performance for the Shire of Manjimup to the 31 August 2024 is a projected loss of \$231,616, due to a decrease in the Shire's annual Financial Assistance Grants.

There have been no new issues come to light in the August period, so the attached comments are primarily a recap of the Financial Assistance Grants issue from the July 2024 report.

On the 19 August 2024 Shire staff received advice from the Department of Local Government, Sport and Cultural Industries on the 2024/25 final Financial Assistance Grant (FAG) allocations. The Shire of Manjimup's allocation has decreased moderately on the original estimates that made up the 2024/25 adopted budget.

The allocation compared to budget is:

<b>General Purpose Grant</b>	<b>2024/25 Allocation</b> (less 2023/24 Adjustment)	<b>2024/25 Adopted Budget</b> (inc early Payment)	<b>(Shortfall) / Excess</b>
2024/2025 GP Grant Allocation	3,147,619	3,370,604	(222,985)
<b>Road Grant</b>			
2024/2025 Road Grant Allocation	1,776,662	1,794,686	(18,024)
2023/2024 Overpayment	(161,635)	(145,813)	(15,822)
<b>Total Financial Assistance Grant</b>	<b>4,762,646</b>	<b>5,019,477</b>	<b>(256,831)</b>

The 2024/25 Financial Assistance Grant was calculated using the Grants Commission's usual methodology. As part of the yearly payment, an adjustment is made to reflect any changes in the pool related to the 2023/24 Financial Assistance Grant. Typically the Shire receives a moderate adjustment up each year, with the previous year's adjustment adding an extra \$131,849 however the 2024/25 grant was adjusted down by \$7,768.

On review of the Final Grant Schedule for all Local Governments, there has been substantial shifts in all grants, the most significant being an increase of \$1.2m to one Local Government with another receiving a reduction of \$592,499. The Finance Department has reached out to the Grants Commission requesting a review of the Shire's grant and are yet to get an explanation of the significant shifts from one Local Government to the next.

The loss of \$256,831 from the Financial Assistance Grant is significant and will require a review of all operating and capital municipal allocations in the 2024/25 adopted budget. \$18,024 of the Financial Assistance Grants - Roads will be adjusted against Road Maintenance leaving the \$238,807 shortfall. It would be prudent to wait until the final grant position is confirmed and the 2023/24 Annual Financial accounts have been fully audited in case of a possible further adjustment being required.

Other than the aforementioned grants, no other major discrepancies have come to light in the two months after adopting the 2024/25 budget, and with appropriate adjustments for the grant shortfalls, and with sound financial

management going forward by all departments, Council should be in a neutral or minor surplus position at the 30 June 2025.

## **STATUTORY ENVIRONMENT**

Section 6.8 of the *Local Government Act 1995* and *Financial Management Regulation 34*.

## **POLICY AND STRATEGIC IMPLICATIONS**

Nil.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

As described in above summary.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION:**

**That Council receive the Monthly Statement of Financial Activity Report for August 2024, as per Attachment: 9.3.2(1).**

### **COUNCIL RESOLUTION:**

**MOVED: Cr Omodei      SECONDED: Cr Willcox**

**29568**

**That Council receive the Monthly Statement of Financial Activity Report for August 2024, as per Attachment: 9.3.2(1).**

**ADOPTED BY EN BLOC RESOLUTION: 8/0**

## ATTACHMENT

### 9.5.2 Proposed Industry - Rural (Workshop) at Lot 16 (788) Middlesex Road, Middlesex

<b>PROPONENT</b>	Sheds West Direct
<b>OWNER</b>	Mr A M & Mrs K L Brotherton
<b>LOCATION / ADDRESS</b>	Lot 16 (788) Middlesex Road, Middlesex
<b>WARD</b>	Rural
<b>ZONE</b>	Priority Agriculture
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	DA24/121 P54366
<b>LEGISLATION</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR</b>	Jocelyn Baister
<b>DATE OF REPORT</b>	10 September 2024
<b>DECLARATION OF INTEREST</b>	The author of this report is related to a sub-contractor of the applicant for the construction of the proposed shed however this has not affected the assessment of the proposal.

### BACKGROUND

Lot 16 Middlesex Road, Middlesex is 7.77ha in area and consists of a private Timber Mill, avocado and truffle farm and dwelling. A location plan is shown below.



The applicant is proposing the construction of a 12m x 24m (144m<sup>2</sup>) Outbuilding with a 4m x 24m lean-to, for the establishment of a rural vehicle mechanical workshop business, employing one person. The proposed Outbuilding is to be constructed with a rear setback of 11m and a setback



from the street front of 61m. Details received as part of the application are provided attached.

**ATTACHMENT: 9.5.2 (1)**

Council is requested to consider the application given the proposed land use is not a land use that Shire Staff have the delegation to determine. The application also proposes a rear setback variation.

**PUBLIC CONSULTATION UNDERTAKEN**

In accordance with the provisions of Local Planning Scheme No. 4 (the Scheme), the application was advertised to the public for a 21 day period. A notice was placed in the local newspaper, a sign was erected on site and letters were sent to neighbouring landowners. No public comments were received during the comment period.

The proposal was also referred to the Department of Water and Environmental Regulation (DWER) who advised that there is several water quality protection notes that apply to the proposal. It is recommended that the applicant be advised accordingly. A copy of the comments are provided attached.

**ATTACHMENT: 9.5.2 (2)**

**COMMENT**

The application has been assessed against the provisions of the Scheme. The land is zoned Priority Agriculture under the Scheme. To assist Council in determining the application the following comments are provided:

Matters to be Considered

In determining an application for planning approval, clause 10.2 of the Scheme requires various matters are taken into account, including by not limited to:

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within the Scheme area.*
- (vi) *The local government's adopted Local Planning Strategy and any Local Planning Policy adopted by the local government under Clause 2.4.*
- (x) *the compatibility of a use or development with its setting including the potential impact on the use and enjoyment of adjacent and nearby land and taking into consideration any Special Control Area.*
- (xiii) *the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment.*
- (xxvi) *any relevant submissions received on the application.*
- (xxvii) *the comments or submissions received from any authority consulted under Clause 10.1.*

The purpose of the Priority Agricultural Zone is to provide for the sustainable use of high-quality agricultural land, particularly where water resources exist, preserving existing agricultural production and allowing or new agricultural production by securing suitable land and water resources.

The objectives of the Scheme relating to this zone is to reinforce the requirement for the protection of the rural activities, and to support a wide variety of productive agricultural and rural activities.

#### Land Use Classification

The proposed land use is classified as “Industry – Rural”, which is defined in the Scheme as follows:

- a) An industry handling, treating, processing or packing rural products; or
- b) A workshop servicing plant or equipment used for rural purposes.

In this instance the landowner has explained that their son is proposing to establish a mechanical workshop for servicing of farming vehicles.

#### Land Use Permissibility

An Industry-Rural is an ‘A’ land use within the Priority Agriculture Zone. That is a use, which *‘is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with Clause 9.6.’*

#### Consistency with Zoning

The purpose of the Priority Agriculture Zone is to provide for the sustainable use of rural land which primarily accommodates a range of rural pursuits compatible with the capability of the land and which retains the rural character and amenity of the locality. Provided the use is appropriately managed no impacts on the agricultural activities already occurring on the subject property or adjacent land are anticipated.

#### Carparking

The application as submitted does not indicate where car parking is to be located near the proposed building for the use of staff or visitors. As part of the application the applicant has stated there will be 1 full-time worker on the property.

Given the development is located within a rural area, sealing of the car parking areas is not required under the Local Planning Policy, except where accessible carparking space is required for disability access.

Under the Scheme an Industry – Rural, is not listed in Table 2 Car Parking Requirements, therefore the number of bays per square meters is not identified. As a result, Table 2 identifies that the level of carparking to be provided is *“Determined by the local government after consideration of the parking need generated by the use and/or outlined in a Local Planning Policy”*.

Having regard to the information supplied by the applicant, it is recommended a condition be imposed on any approval to require the construction of parking

and the applicant be advised that three car parking bays, including one bay constructed to a sealed, accessibility standard should be provided. This provides ample parking for the staff and any visitors.

#### Setbacks

In accordance with clause 5.34.2.4 of the Scheme, unless otherwise approved by Council, development within the Priority Agriculture Zone is required to be setback 30m from the front and rear boundaries and 10m to side boundaries.

The setbacks proposed vary the prescribed setbacks to the rear boundary for the zone.

#### Relaxation of Standards

In accordance with clause 5.5 of the Scheme, the local government may approve an application for planning approval, despite the application not complying with the standard or requirement prescribed under the Scheme. However prior to relaxing a standard, the local government must be satisfied that:

- “i) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and*
- ii) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.”*

In this case, a relaxation to the side boundary is consistent with the requirements of clause 10.2, and the impact of an approval on either the subject land or adjacent property has been advertised to neighbouring landowners.

#### Bushfire Prone Area

The property is located in an areas that has been designated as bushfire prone by the Commissioner of Fire and Emergency Services. The applicant has submitted a Bushfire Attack Level (BAL) report which indicates that a BALFZ is current for the area where the proposed development will be sited.

In accordance with State Planning Policy 3.7 Planning for Bushfire Prone Areas (SPP 3.7), development in a BAL 40 or FZ should not generally be supported unless considered to meet the definitions of minor or unavoidable development, this proposal does not meet those definitions. The BAL assessor has identified how reductions in the bushfire risk level can achieve a BAL29, it is recommended that this be undertaken as well as the applicant preparing a management plan and evacuation plan.

#### Submissions Received

DWER has identified that the proposal has the potential to impact on the environment and has referred to recommendations within three Water Quality Protection Notes relevant to mechanical servicing, stormwater management on industrial sites and mechanical wash down areas, in order to avoid contamination of water resources. It is recommended that should Council

approve the application, a number of conditions and advice notes be imposed on the development approval.

### Conclusion

Following assessment of the application, Shire Staff are recommending that the application be granted conditional approval. To ensure that operation of the Industry-Rural does not detrimentally impact on the amenity of the area, a number of conditions are contained within the Officers recommendation.

## **STATUTORY ENVIRONMENT**

*Planning and Development Act 2005* and Local Planning Scheme No. 4.

## **POLICY / STRATEGIC IMPLICATIONS**

Approval of the application will assist in the delivery of the following Goals and Strategies from the 2021-2031 Shire of Manjimup Strategic Community Plan.

*A10. Encourage all aspects of sustainable farming and agriculture.*

*B12. Provide development opportunities and support local small businesses to thrive.*

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

The required development application fee has been paid by the applicant.

## **SUSTAINABILITY**

Environmental: As detailed in the comment section above, appropriate conditions and standards of operation are required so that the proposed activity will not detrimentally impact on the environment or the amenity of the area.

Economic: The development if approved will potentially increase the productive use of the land. Ensuring essential services for farming equipment.

Social: Without appropriate management and restrictions, the proposal has potential to detrimentally impact on the amenity of the area.

**VOTING REQUIREMENTS: SIMPLE MAJORITY****OFFICER RECOMMENDATION**

**That Council:**

**In accordance with Part 10 and clause 5.5 of the Shire of Manjimup Local Planning Scheme No. 4, grants development approval for the Industry – Rural (Workshop) at Lot 16 (788) Middlesex Road, Middlesex (Application TP123/2024) in accordance with the plans and specifications as submitted shown at Attachment: 9.5.2 (1) and subject to the following conditions:**

- 1.1 The development permitted shall be carried out generally in accordance with the plans and specifications submitted as listed below:**

<b>Reference</b>	<b>Document Title</b>	<b>Date Received</b>
<b>1.</b>	<b>Location Plan</b>	<b>12 July 2024</b>
<b>2.</b>	<b>Site Plan</b>	<b>12 July 2024</b>
<b>3.</b>	<b>Shed Layout</b>	<b>9 July 2024</b>

- 1.2 The machinery, plant or equipment serviced on the land is to be used for rural purposes only.**
- 1.3 Prior to the occupation, the applicant is to submit, and have approved to the satisfaction of the Shire of Manjimup, a detailed parking plan design which complies with Table 2 and 3 of Shire of Manjimup Local Planning Scheme No. 4.**
- 1.4 The washing down of vehicles at the subject property is prohibited unless otherwise approved by the Shire of Manjimup.**
- 1.5 Where petrol, diesel, benzine or other flammable or explosive substances or grease, oil or greasy/oil matter is likely to be discharged, a sealed wash down area and a petrol and plate oil separator must be installed to the satisfaction of the Shire of Manjimup.**
- 1.6 All stormwater and drainage runoff is to be retained on the subject property or to be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction to the Shire of Manjimup.**
- 1.7 The use hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, noise, vibration, odour, vapour, dust, waste water, waste products or other pollutants to the satisfaction of the Shire of Manjimup.**
- 1.8 Prior to the use or occupation of the development, a Bushfire Management Plan and Emergency Evacuation Plan, prepared in**

accordance with State Planning Policy 3.7 – Planning for Bushfire Prone Areas, shall be submitted and endorsed, to the satisfaction of the Shire of Manjimup.

- 1.9 Firebreaks and low fuel zones are to be installed and maintained to the satisfaction of the Shire of Manjimup around all boundaries and buildings on the subject property, in accordance with the requirements of the Annual Firebreak and Fuel Hazard Reduction Notice endorsed by Shire of Manjimup.

**Advice to Applicant**

- a) This Development approval is NOT a building permit. A Certified building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works.
- b) With regards to Condition 1.3, the applicant is advised that, the parking area should include three (3) parking bay/s including (1) one disabled bay, aisle widths, circulation areas, driveway/s and points of ingress and egress.
- c) The Shire of Manjimup advises that the development the subject of this planning approval, must comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997* in relation to noise emissions. Further information can be obtained from the Shire of Manjimup’s Environmental Health team on 9771 7777.
- d) Prior to commencing development, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Manjimup’s Environmental Health Team, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
- e) The applicant is advised that the proposed development should be guided by the Department of Water and Environmental Regulation’s Water Quality Protection Note 28 – Mechanical Servicing and Workshop; 68 – Mechanical Equipment Washdown; and 52 – Stormwater Management Industrial Sites.

**COUNCIL RESOLUTION**

**MOVED: Cr Omodei      SECONDED: Cr Willcox**

**29569**

**That Council:**

In accordance with Part 10 and clause 5.5 of the Shire of Manjimup Local Planning Scheme No. 4, grants development approval for the Industry – Rural (Workshop) at Lot 16 (788) Middlesex Road, Middlesex (Application TP123/2024) in accordance with the plans and specifications as submitted shown at Attachment: 9.5.2 (1) and subject to the following conditions:

- 1.1 The development permitted shall be carried out generally in accordance with the plans and specifications submitted as listed below:

Reference	Document Title	Date Received
1.	Location Plan	12 July 2024
2.	Site Plan	12 July 2024
3.	Shed Layout	9 July 2024

- 1.2 The machinery, plant or equipment serviced on the land is to be used for rural purposes only.
- 1.3 Prior to the occupation, the applicant is to submit, and have approved to the satisfaction of the Shire of Manjimup, a detailed parking plan design which complies with Table 2 and 3 of Shire of Manjimup Local Planning Scheme No. 4.
- 1.4 The washing down of vehicles at the subject property is prohibited unless otherwise approved by the Shire of Manjimup.
- 1.5 Where petrol, diesel, benzine or other flammable or explosive substances or grease, oil or greasy/oil matter is likely to be discharged, a sealed wash down area and a petrol and plate oil separator must be installed to the satisfaction of the Shire of Manjimup.
- 1.6 All stormwater and drainage runoff is to be retained on the subject property or to be provided with stormwater drainage connections to the drainage system in the area at the developers cost to the satisfaction to the Shire of Manjimup.
- 1.7 The use hereby approved must not create community safety concerns, or otherwise adversely affect the amenity of the subject locality by reason of (or the appearance or emission of) smoke, fumes, noise, vibration, odour, vapour, dust, waste water, waste products or other pollutants to the satisfaction of the Shire of Manjimup.
- 1.8 Prior to the use or occupation of the development, a Bushfire Management Plan and Emergency Evacuation Plan, prepared in accordance with State Planning Policy 3.7 – Planning for Bushfire Prone Areas, shall be submitted and endorsed, to the satisfaction of the Shire of Manjimup.
- 1.9 Firebreaks and low fuel zones are to be installed and maintained to the satisfaction of the Shire of Manjimup around all boundaries and buildings on the subject property, in accordance with the

requirements of the Annual Firebreak and Fuel Hazard Reduction Notice endorsed by Shire of Manjimup.

**Advice to Applicant**

- a) This Development approval is NOT a building permit. A Certified building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works.
- b) With regards to Condition 1.3, the applicant is advised that, the parking area should include three (3) parking bay/s including (1) one disabled bay, aisle widths, circulation areas, driveway/s and points of ingress and egress.
- c) The Shire of Manjimup advises that the development the subject of this planning approval, must comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997* in relation to noise emissions. Further information can be obtained from the Shire of Manjimup's Environmental Health team on 9771 7777.
- d) Prior to commencing development, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted for the approval of the Shire of Manjimup's Environmental Health Team, in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
- e) The applicant is advised that the proposed development should be guided by the Department of Water and Environmental Regulation's Water Quality Protection Note 28 – Mechanical Servicing and Workshop; 68 – Mechanical Equipment Washdown; and 52 – Stormwater Management Industrial Sites.

**ADOPTED BY EN BLOC RESOLUTION: 8/0**



**ATTACHMENT****9.5.3 Delegated Planning Decisions August 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Various
<b>LOCATION / ADDRESS</b>	Various
<b>WARD</b>	All
<b>ZONE</b>	Various
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	F170085
<b>LEGISLATION</b>	<i>Planning and Development Act 2005 and Local Government Act 1995</i>
<b>AUTHOR</b>	Jocelyn Baister
<b>DATE OF REPORT</b>	10 September 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

In order to ensure the efficient and timely processing of planning related applications, Council delegates authority to the Chief Executive Officer to conditionally approve applications for Development Approval that meet the requirements of both Local Planning Scheme No. 4 (the Scheme) and adopted Planning Policy.

Delegated planning decisions are reported to Council on a monthly basis to ensure that Council has an appropriate level of oversight on the use of this delegation. A register of Delegated Development Approvals, detailing those decisions made under delegated authority in August 2024.

**ATTACHMENT: 9.5.3 (1)****PUBLIC CONSULTATION UNDERTAKEN**

Where required, applications were advertised in accordance with the Scheme and Council's adopted Local Planning Policy as detailed in the Policy/Strategic Implications section below.

**COMMENT**

During August 2024, eleven (11) development applications were determined under delegated authority. Table 1 shows the number and value of development applications determined under both delegated authority and by Council for August 2024 compared to August 2023.

**Table 1: Planning Decisions Made August 2023 to 2024**

	<b>August 2023</b>	<b>August 2024</b>
<b>Delegated Decisions</b>	13 (\$823,341)	11 (\$1,258,970)
<b>Council Decisions</b>	1 (\$0)	2 (\$1,000)
<b>Total</b>	<b>14 (\$823,341)</b>	<b>13 (\$1,259,970)</b>

Table 2 compares the Year-To-Date statistics for delegated authority and Council decisions for 2024-25 compared to the previous Financial Year:

**Table 4: Planning Decisions Made Year-To-Date 2023-2024 and 2024-25**

	<b>YTD 2023-24</b>	<b>YTD 2024-25</b>
<b>Delegated Decisions</b>	17 (\$1,779,841)	30 (\$2,727,853)
<b>Council Decisions</b>	5 (\$1,680,000)	7 (\$570,500)
<b>Total</b>	<b>22 (\$3,459,841)</b>	<b>37 (\$3,298,353)</b>

During August 2024, comments were provided to the Western Australian Planning Commission (WAPC) on two (2) proposed subdivisions.

From July 2024, Shire staff are reporting on WAPC delegations to the Chief Executive Officer for "Single House" approvals. Of which there were zero and none are shown as Section 257C approvals on the attachment.

## **STATUTORY ENVIRONMENT**

The Scheme is a Local Planning Scheme, made in accordance with the *Planning and Development Act 2005* and associated regulations. Part 8 of the Scheme states that prior planning approval is required for all developments (including proposed land use), except those developments identified within Part 8.4 as being Permitted Development.

In accordance with Part 11.3 of the Scheme, Council has delegated a number of planning powers to the Chief Executive Officer. These powers have been on-delegated by the Chief Executive Officer to other Shire Officers in accordance with clause 11.3.3 of Local Planning Scheme No 4.

Clause 11.3.5 of the Scheme requires that a delegation under the Scheme is consistent with sections 5.45 and 5.46 of the *Local Government Act 1995* and the regulations referred to in clause 5.46 of that Act. Regulation 19 of the *Local Government (Administration) Regulations 1996* requires that a written record of each delegated decision be kept.

## **POLICY / STRATEGIC IMPLICATIONS**

Applications for Development Approval must be assessed against requirements of the Scheme and Local Planning Policies that have been adopted in accordance with Part 2 of the Scheme. These Policies include

Local Planning Policy LPS4 6.1.2 *Advertising of Planning Proposals*, which details the level and scope of advertising required for Applications for Development Approval.

Each application processed under delegated authority has been processed and advertised, where required, and has been determined to be consistent with the requirements of all adopted Local Planning Policies.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

The required planning fees have been paid for all applications for Development Approval processed under delegated authority.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council receive the report on Delegated Development Approvals for August 2024 as per Attachment 9.5.3 (1):**

## **COUNCIL RESOLUTION**

**MOVED: Cr Omodei      SECONDED: Cr Willcox**

**29570**

**That Council receive the report on Delegated Development Approvals for August 2024 as per Attachment 9.5.3 (1):**

**ADOPTED BY EN BLOC RESOLUTION: 8/0**

## ATTACHMENT

### 9.5.4 Request for Support and to Adopt for the Purposes of Advertising Proposed Scheme Amendment - Lot 4 (6857) South Coast Highway, Walpole

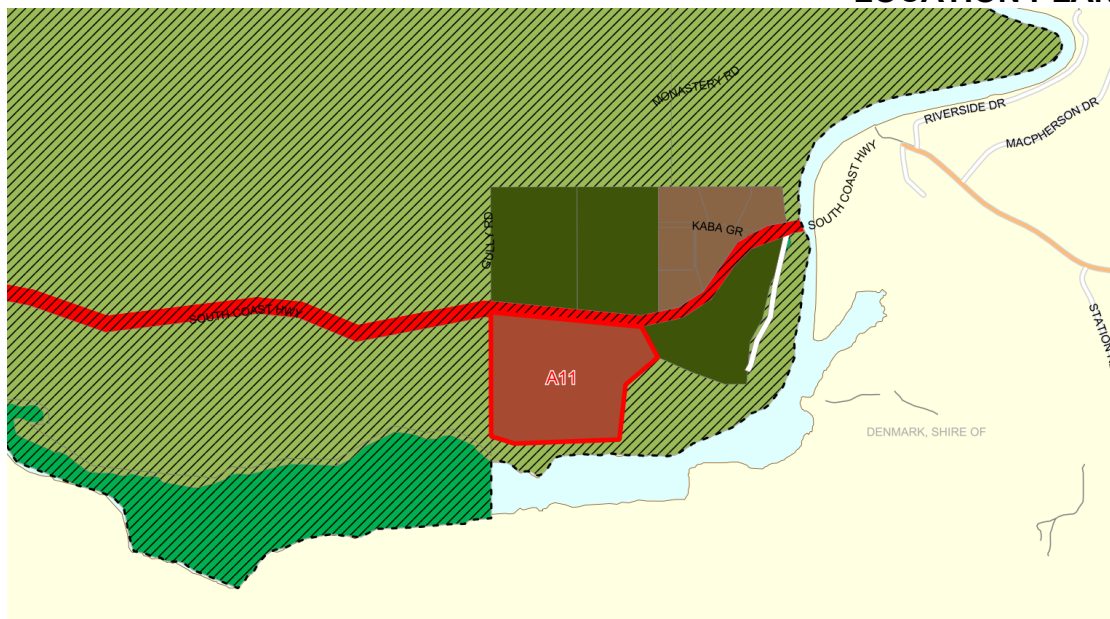
<b>PROPONENT</b>	Williams Consulting
<b>OWNER</b>	Mohanji Foundation Australia Ltd
<b>LOCATION / ADDRESS</b>	Lot 4, 6845 South Coast Highway, Walpole
<b>WARD</b>	Rural
<b>ZONE</b>	Rural Residential
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	DA24/155 52984
<b>LEGISLATION</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR</b>	Karleha Brown
<b>DATE OF REPORT</b>	12 September 2024
<b>DECLARATION OF INTEREST</b>	Nil

### BACKGROUND

The subject property is 23.11 hectares in size and is located approximately 8km east of the Walpole townsite, south of the South Coast Highway. The site is owned and occupied by the Mohanji Centre of Benevolence and comprises 7 chalets, a manager's residence, a dwelling and place of worship.

As shown on the location plan below the property is bound by National Park with Rural Conservation to the east and the South Coast Highway to the north.

### LOCATION PLAN



The Shire is in receipt of a request from the landowner to consider a Scheme Amendment to rezone the subject property from Rural Residential A11 to

Clubs and Institution. A copy of the request received from the applicant and amendment documentation, on behalf of the landowners, stating the purpose and intent of the rezoning is provided and attached.

**ATTACHMENT: 9.5.4 (1)**

## **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## **COMMENT**

To assist Council in considering the request for a Scheme Amendment, the following information is offered:

### Zoning History

The subject property is currently zoned Rural Residential with additional use A11 as detailed under Schedule 9 – Additional Uses under Local Planning Scheme No 4, (the Scheme). The additional uses which formed part of Scheme amendment 4 to the Scheme was gazetted on 28 February 2014, providing the ability for Chalets and a Caretakers dwelling to be established on the site. In support of the Scheme amendment a Structure Plan was prepared showing a potential 11 lot subdivision, identifying 10 lots as Rural Residential Lots and one (1) Tourist lot.

### *Structure Plan*

The structure plan is set to expire in 2025 and is not intended to be implemented as it does not reflect the landowner's overall goals for the site. As the structure plan was prepared prior to the current legislation for planning in bushfire prone areas, it is unknown if the structure plan would achieve compliance with the current requirements.

In accordance with Regulation 35A as the amendment affects the area to which a structure plan is approved, the amendment should include a statement that when the amendment takes effect the:

- (a) The approval of the structure plan is to be revoked;
- (b) The structure plan is to be amended in accordance with the statement;
- or
- (c) The approval of the structure plan is not affected.

As the amendment document briefly states that the structure plan will be revoked, Regulation 35A has been complied with.

### *Zone Purpose*

As stated above the current zone of the property is Rural Residential. The purpose of this zone is for low density residential development in a rural setting consistent and compatible with adjacent land use activity, landscape and the environmental attributes of the land.

### *Zone Objectives*

The objectives of a Rural Residential zone are to provide a variety of lot sizes which accommodate the environmental opportunities and constraints with landscape protection.

#### Proposed Zoning

The amendment proposes the zoning of the site to Clubs and Institutions with additional uses.

*'The purpose of the Clubs and Institutions Zone is to provide the for the development or the establishment of uses to satisfy the general cultural, religious, education, health, recreational and other needs of the community.'*

The rezoning will provide the ability for the site to showcase the experience for the followers of the Mohanji, through a place of public worship with the available land uses to be entertained on the site including, a Lodging House, Place of Public Worship, Restaurant and Low Impact Recreation.

Additional uses proposed as part of this amendment are to support the proposed zone include the permissibility of a Chalets, Low Impact Recreation and an Office and include the discretionary use for a Shop. The development of these land uses is to ensure that there is sufficient accommodation for the followers of the Mohanji on the site and an ability for revenue to be raised on the site to ensure its longevity.

#### Consistency with Local Planning Strategy

The Shire of Manjimup's Local Planning Strategy (LPS) does not specifically identify the site, due to its location that borders the Shire boundary to the Denmark Shire. However, identifies the low-key tourism and recreational opportunities associated with the Frankland River. The objective of the Shire of Denmark for this area is to encourage the consolidation of the Nornalup townsite as a node of residential and tourist development. Given the steep terrain and adjacent National Park, particular consideration of fire management provisions is required.

The proposed amendment will enable the Mohanji Centre of Benevolence to maximise the use of the subject property for their followers whilst showcasing the natural beauty of the Walpole Nornalup area.

#### Amendment Process

Council is being requested to initiate the Amendment. Until such time that initiation occurs the proposal remains outside of the legislative process that is dictated by the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*. There is not avenue for appeal in the event that Council does not initiate an amendment.

Should Council resolve to initiate the Amendment, it needs to be mindful that once this act occurs, the Amendment is required to be processed and determined. Therefore, it is prudent that Council is satisfied that the Amendment is sufficiently justified and contains an appropriate level of detail for it to be determined by the Western Australian Planning Commission

(WAPC). This is necessary in order to provide a high degree of confidence that the resultant development will meet the objectives of orderly and proper planning.

If the amendment is not finalised prior to the adoption of a new Planning Scheme being Local Planning Scheme No. 5, then the rezoning will be incorporated into that process.

### Conclusion

The proposed amendment is consistent the development of the site by the Mohanji Centre of Benevolence, enhancing the cultural experience on the site for its followers. The site is isolated and is bound by National Park on two sides, the South Coast Highway to the north and a vacant Rural Conservation allotment to the east. The proposed Scheme Amendment is not considered to impact those properties due to its isolated nature. Shire Staff have been liaising with the applicant, and a suitable Scheme Amendment documentation has been provided.

It is recommended that Council resolve to initiate the amendment and proceed to refer the proposal to the Environmental Protection Authority prior to advertising in accordance with the requirements of the *Planning and Development Act 2005*.

A further report will be prepared for consideration of Council following advertising to the proposal.

## **STATUTORY ENVIRONMENT**

*Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015* and the Shire of Manjimup Local Planning Scheme No. 4.

## **POLICY / STRATEGIC IMPLICATIONS**

The Shire of Manjimup's Strategic Community Plan 2021-2031 identifies the following Community Goals and Strategies that are relevant to the applicants request:

### Community Goals

2.3 The local economy is diversified and supports a range of industries and job opportunities.

### Strategies

B12 Provide development opportunities and support local small business to thrive.

D7. Review or amend the Local Planning Scheme to meet the changing needs of community and industry.

## ORGANISATIONAL RISK MANAGEMENT

Nil.

## FINANCIAL IMPLICATIONS

Should Council resolve to proceed with the Scheme Amendment as requested, all costs will be borne by the proponent.

## SUSTAINABILITY

Environmental: The proposed amendment will allow for further development of the site which will require additional clearing of remnant vegetation. An assessment of the proposed amendment will be undertaken by the Environmental Protection Authority as part the Scheme amendment process.

Economic: The ability to develop the site as per the proposed concept plan that forms part of the Scheme amendment will benefit the Walpole economy.

Social: The Mohanji Centre of Benevolence is one of eight centres in the World, the site will provide international recognition to the Walpole area and provide a unique opportunity for the local community.

## VOTING REQUIREMENTS: SIMPLE MAJORITY

## OFFICER RECOMMENDATION

**That Council:**

1. **Resolve to advise the landowner that it is prepared to consider the proposed Scheme Amendment over Lot 4 (6845) South Coast Highway, Walpole subject to the following matters being addressed:**
  - a. **Payment of fees of \$2,530 for the consideration of support and adoption for advertising for the amendment.**
2. **Pursuant to Section 75 of the *Planning and Development Act 2005* amend Local Planning Scheme No. 4 to:**
  - a. **Rezone Lot 4 (6845) South Coast Highway, Walpole from “Rural Residential” to “Clubs and Institutions”;**
  - b. **Insert the following Additional Uses for Lot 4 (6845) South Coast Highway, Walpole:**
    - i. **Chalet (P)**
    - ii. **Shop (D)**
    - iii. **Low Impact Recreation (P); and**



- iv. Office (P).
- c. Amend the Scheme Map accordingly.  
in accordance with the draft Scheme provisions shown at Attachment 9.5.4 (1).
- 3. Classify the scheme amendment, referred to in point 2), above as a Standard Scheme Amendment in accordance with Regulation 47(2) of the *Planning and Development (Local Planning Schemes) Regulations (2015)*;
- 4. Subject to the Environmental Protection Authority determining that the Scheme amendment will not be the subject of a formal Environmental Impact Assessment, advertise the amendment for a period of not less than 42 days in accordance with Regulation 38 of the *Planning and Development (Local Planning Schemes) Regulations (2015)*.
- 5. Await a further Officer report on the amendment following the close of advertising referred to in point 4 above.
- 6. Should the Amendment process not be completed prior to the advertising of Local Planning Scheme No. 5, incorporate the rezoning in that process.

#### COUNCIL RESOLUTION

**MOVED: Cr Omodei      SECONDED: Cr Willcox**

**29571**

**That Council:**

1. Resolve to advise the landowner that it is prepared to consider the proposed Scheme Amendment over Lot 4 (6845) South Coast Highway, Walpole subject to the following matters being addressed:
  - a. Payment of fees of \$2,530 for the consideration of support and adoption for advertising for the amendment.
2. Pursuant to Section 75 of the *Planning and Development Act 2005* amend Local Planning Scheme No. 4 to:
  - a. Rezone Lot 4 (6845) South Coast Highway, Walpole from “Rural Residential” to “Clubs and Institutions”;
  - b. Insert the following Additional Uses for Lot 4 (6845) South Coast Highway, Walpole:
    - i. Chalet (P)
    - ii. Shop (D)
    - iii. Low Impact Recreation (P); and
    - iv. Office (P).

- c. Amend the Scheme Map accordingly.**  
in accordance with the draft Scheme provisions shown at Attachment 9.5.4 (1).
- 3. Classify the scheme amendment, referred to in point 2), above as a Standard Scheme Amendment in accordance with Regulation 47(2) of the *Planning and Development (Local Planning Schemes) Regulations (2015)*;**
  - 4. Subject to the Environmental Protection Authority determining that the Scheme amendment will not be the subject of a formal Environmental Impact Assessment, advertise the amendment for a period of not less than 42 days in accordance with Regulation 38 of the *Planning and Development (Local Planning Schemes) Regulations (2015)*.**
  - 5. Await a further Officer report on the amendment following the close of advertising referred to in point 4 above.**
  - 6. Should the Amendment process not be completed prior to the advertising of Local Planning Scheme No. 5, incorporate the rezoning in that process.**

**ADOPTED BY EN BLOC RESOLUTION: 8/0**

**ATTACHMENT****9.7.1 Proposed Appointment of Fire Control Officers for the 2024/2025 Bush Fire Season**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Whole of Manjimup
<b>WARD</b>	All
<b>ZONE</b>	All
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	F160156
<b>LEGISLATION</b>	<i>Bush Fires Act 1954</i>
<b>AUTHOR</b>	Todd Ridley
<b>DATE OF REPORT</b>	9 September 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

Pursuant to Section 38 of the *Bush Fires Act 1954*, Council may appoint Fire Control Officers for the purpose of extinguishing / prevention of bushfires and the issuing of "Permits to Burn" during the Restricted and Prohibited Burning Periods.

The purpose of this agenda item is to seek Council endorsement of the Shire's Fire Control Officers for the 2024/2025 bushfire season.

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

Each year Bush Fire Brigades are requested to nominate a Fire Control Officer for their Brigade area. All relevant Bush Fire Brigades have been consulted and have provided the requested nominations, which are shown attached.

**ATTACHMENT: 9.7.1 (1)**

As all persons shown in the Attachment have completed the training requirements outlined in the *Shire of Manjimup Bush Fire Brigade Operational Procedures 2022-2027*, it is recommended that Council endorse the nominations.

## **STATUTORY ENVIRONMENT**

Section 38 of the *Bush Fires Act 1954* permits local governments to appoint Fire Control Officers.

## **POLICY / STRATEGIC IMPLICATIONS**

Appointment of the Fire Control Officers as proposed is consistent with the *Shire of Manjimup Bush Fire Brigade Operational Procedures 2022–2027*, which sets requirements for appointment of Fire Control Officers.

## **ORGANISATIONAL RISK MANAGEMENT**

Council's endorsement of the appointment of the Fire Control Officers is required prior to the commencement of the annual bushfire season and is essential to minimise the risk to life, property, environment and the organisation.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: Fire has the potential to decimate the natural and built environment if preventative and operational bushfire strategies are not adequate.

Economic: The economic consequences of fire can be devastating. Fire has the ability to destroy entire agriculture areas with the potential to ruin the livelihood of many people.

Social: The social consequences of fire can also be devastating. Whilst it may be argued that a major fire can bring a community together, in addition to the social benefits of camaraderie forged in individual Bush Fire Brigades, the social consequences of destructive fire far outweigh any positive impacts.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council appoint the persons listed in Attachment 9.7.1 (1) as Fire Control Officers until 1 October 2025.**

**COUNCIL RESOLUTION**

**MOVED: Cr Omodei      SECONDED: Cr Willcox**

**29572**

**That Council appoint the persons listed in Attachment 9.7.1 (1) as Fire Control Officers until 1 October 2025.**

**ADOPTED BY EN BLOC RESOLUTION: 8/0**

**ATTACHMENT  
APPENDIX**

**9.9.3 Proposed Trail Head in Walpole Pioneer Park**

<b>PROPONENT OWNER</b>	Shire of Manjimup Crown (Management Order to Conservation Commission of Western Australia
<b>LOCATION / ADDRESS</b>	Part Lot 12726, Reserve 31362, South Western Highway, Walpole
<b>WARD</b>	Rural
<b>ZONE</b>	National Parks and Conservation Reserves
<b>DIRECTORATE</b>	Community Services
<b>FILE REFERENCE</b>	F160085
<b>LEGISLATION</b>	<i>Local Government Act 1995</i> <i>Conservation and Land Management Act 1984</i>
<b>AUTHOR</b>	Evy Apeldoorn; Benjamin Rose
<b>DATE OF REPORT</b>	24 September 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

The Conservation Commission of Western Australia has the Management Order for Reserve 31362 in Walpole and leases a portion of Lot 12726 (Pioneer Park) to the Shire of Manjimup. The lease was renewed in 2016. The Council agenda item of 14 April 2016 in relation to the lease renewal and the lease are appended for Council's reference.

**APPENDIX: 9.9.3 (A)**

**APPENDIX: 9.9.3 (B)**

The Department of Biodiversity, Conservation and Attractions (DBCA) have approached the Shire with a proposal to establish a new trail head within the lease area for the new Valley of the Giants Trails Network. The DBCA proposal was presented to and workshopped with Council by staff at the Information Briefing of the Ordinary Council Meeting held on 12 September 2024 to seek their guidance in this matter.

The purpose of the agenda item is to seek Council's formal direction on this matter.

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## COMMENT

### Valley of the Giants Trails Network

Over the past few years DBCA have been planning and constructing a new trails network at the Valley of the Giants (VoG). The establishment of this trails network is part of a \$16M State investment in the Great Southern Trails Project. This trails network, once completed, will consist of up to 50km cross country mountain bike trails and 10km walk trails and share use trails. Once established, these trails will offer a nationally, and potentially even a globally, unique trail experience and thus are likely to attract large visitation numbers. DBCA anticipates opening the network early 2025.

DBCA have recently constructed a new trail head close to the trails network which includes a 40-bay car park, toilet facilities, and trails information.

### Proposed Trail Head in Walpole Pioneer Park

Although the trails network itself is located within the Shire of Denmark, the Walpole Pioneer Park (WPP) provides a logical location for another, major, trail head where trail enthusiasts can access the current visitor facilities as well as proposed new trail information and facilities. From the WPP the VoG Trails Network can be accessed by bicycle along the, recently realigned, Munda Biddi Trail. It is envisioned that the trails network, with the proposed trail head in WPP, will offer significant tourism and economic growth opportunities for current and future businesses in and around Walpole.

Over the past two years DBCA staff have been developing concept design options for a trail head in WPP, with an initial draft concept design presented by DBCA staff to Council at the Information Briefing of the Ordinary Council Meeting held on 10 February 2022. Since then, Shire staff have been liaising with DBCA staff with the aim to ensure a concept would be developed that would have support from the Shire, other WPP stakeholders and the community. Furthermore, Shire staff recommended that a joint review of the Shire's WPP 2016 Management Plan be undertaken with a view to incorporate trail infrastructure in a manner that would enhance the current functions of the WPP and be realistic and affordable. Such review is yet to be undertaken.

The trails facilities as most recently proposed by DBCA for WPP in the short term include:

- An entry statement to the VoG trails.
- Trails signage for the VoG trails.
- Renewal and relocation of the existing trail information for the Munda Biddi Trail and Bibbulmun Track.
- Auxiliary infrastructure such as concrete paths, bike racks, bike repair area, seating, picnic tables, and screening of the toilet block and power boxes.

The above-mentioned facilities are proposed to be located in the grassed area behind the Shire visitor information structure, adjacent to the public toilets building. The DBCA draft proposal is attached.

### **ATTACHMENT: 9.9.3 (1)**

The DBCA draft proposal is shown in stages with the view of demonstrating the 'immediate' infrastructure (Stage 1) versus longer term amendments to WPP (Stage 2) aimed at a more integrated and holistic approach to the functioning of the park. Stage 2 amendments include improvements to the current and additional provision of car parking, accessible paths/ramp within WPP, and linkages to the town centre. DBCA propose to fund the implementation of Stage 1 at an estimated cost of \$113k, but at this stage has not indicated a commitment to any funding contribution for Stage 2.

The proposed Stage 1 amendments, should Council support them, include the repurposing of the existing Shire's masonry stone structure used to display the Shire's visitor information for Walpole and the region into an entry gateway through which the VoG trails can be accessed (via the Munda Biddi Trail). An artist impression of this can be found on the last page of the attached proposal. To establish this gateway significant structural changes to this structure would be required. Furthermore, it would require an alternative location for the town/regional visitor information to be displayed (scheduled to be updated soon). DBCA have proposed 2 alternative locations within WPP for this: on a new sign to be installed at the Visitor Centre, or on the toilet building with an alternative location to be found for the existing mural. DBCA have provided attached example to give an impression of what the signage would look like should it be positioned on the toilet building.

### **ATTACHMENT: 9.9.3 (2)**

#### Tenure Walpole Pioneer Park

The following background information about WPP is provided to Council to enable an informed decision regarding the proposed trail head:

- WPP is part of the larger Walpole-Nornalup National Park, which is under management of DBCA.
- An initial lease arrangement between DBCA and the Shire was in place for WPP from 1984 to 2005.
- On 14 October 1993 Council endorsed the excision of WPP as a separate reserve from the larger National Park with the view to take on the management order of WPP.
- When the lease expired in 2005 the Shire again requested excision as a separate reserve instead of a new lease.
- The initial lease was held over until 2016. A new 15-year lease was executed for the period from 1 November 2016 to 31 October 2031 or until it is excised as a separate reserve.
- In 2016 a draft Management Plan for WPP was endorsed by Council.



The current lease lists the following 'improvements' (Facilities) to WPP:

- Visitor Centre Building (sublease to Visitor Centre).
- Public Toilets.
- RV Dump Point.
- Information Bay.
- BBQ Shelter.
- Picnic Tables.
- EV Charging Station (Synergy sublease)

Under the lease the Shire is responsible for the maintenance of all 'Improvements'. Given the intention is for the land to be excised as a separate reserve with a management order to the Shire, the Shire would assume ownership of all improvements if it does not already 'own' them (except anything owned by the Visitor Centre).

The attached Deposited Plan, developed for the purpose of the excision, shows WPP in relation to the larger National Park reserve.

### **ATTACHMENT: 9.9.3 (3)**

On 18 September 2024 Shire staff met with representatives of the Department of Planning, Land and Heritage (DPLH) to gain an understanding of the progress on the excision process commenced many years ago. They informed staff that the request for excision was due to be determined in State Parliament any time soon, upon which the Shire would be provided the management order over the newly formed reserve.

#### Council Workshop and Recommendation

At the workshop held with Council on 12 September 2024, following a site visit to WPP, the DBCA trail head, and a first draft concept design for a nature-based playground proposal (post community consultation) in WPP was presented by Shire staff. During the workshop Council indicated the following:

- In principle support for the establishment of a trail head for the VoG trails network by DBCA in WPP.
- In principle support for DBCA to repurpose the Shire's stone structure to create a gateway to the trails as shown in the draft proposal.
- In principle support for the installation of the (updated) Shire's visitor information on the toilet building, pending a suitable location with adequate weather protection being determined for the current mural. The side wall of the Walpole Recreation Centre facing the Community Garden was suggested as a potential alternative location.
- Concerns raised over the implications of increased visitation due to the establishment of a trail head and the potential impact on WPP and the

Walpole town centre, given increased number of cars being parked at WPP for prolonged periods (all day and/or overnight). This issue is significant as the 2016 WPP Management Plan has not been reviewed in the light of establishing a trail head and that there is no current financial commitment being offered by DBCA for the establishment of additional car parking in the future or other infrastructure proposed in Stage 2.

- Queries about the ongoing ownership, management, maintenance and liability of the proposed infrastructure, complicated by the current tenure arrangements and the pending excision process.
- Potential need to revisit taking on the management order of WPP upon excision of the reserve.
- Preference for the current 'Improvements' (community facilities) in WPP to be retained and/or improved.
- Queries about the target audience and subsequently suitable locations for a nature playground in Walpole. The Walpole Recreation Centre reserve was suggested as a location worth investigating.

Council is requested to provide a formal response to the DBCA proposal. In consideration of above, Council is recommended to:

- Provide in principle support for the establishment of a trail head for the VoG trails network by DBCA in WPP.
- Provide in principle support for DBCA to repurpose the Shire's stone structure to create a gateway to the trails as shown in the draft proposal.
- Provide in principle support for DBCA to relocate the existing mural on the toilet block, on the condition that community consultation be undertaken to determine a suitable location for it, and that the mural will be protected from the weather in its future location.
- Instruct the Chief Executive Officer to negotiate the tenure arrangement of the site, which may include the surrender of the lease site back to the State.
- Defer further design development for the nature playground in Walpole until the Walpole's community needs and priorities have been determined in the Future Forums proposed to be held later this financial year in each of the Shire's towns.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

The lease is subject to the provisions of the *Conservation and Land Management Act 1984*, regulations and subsidiary legislation.

## **POLICY / STRATEGIC IMPLICATIONS**

The following strategies from the Shire of Manjimup Strategic Community Plan 2021-2031 are relevant to this matter:

- B15. Further develop the 'Trails Hub' tourism destination concept and facilitate the implementation of a range of trail options connecting to and linking key destinations.
- C18. Create, support and promote a broad range sporting, recreational and social opportunities that are accessible and inclusive for all ages and abilities.
- C21. Install and maintain quality public artworks for everyone to enjoy.
- D5. Develop and maintain community infrastructure to a service-level that meets the community's needs.
- D10. Provide for public parks and playgrounds that are accessible and attractive with well-maintained amenities and equipment.
- D16. Provide adequate and safe parking facilities in town sites and enforce compliance with ACROD regulations and local laws.

## **ORGANISATIONAL RISK MANAGEMENT**

No full risk assessment was undertaken in relation to the potential impacts of the DBCA trail head proposal or any change in tenure of the site, but the following considerations are being offered:

- It should be noted that Council has made considerable investment in the facilities in WPP, and that Council wants these facilities to be retained and continued to be made available to the Walpole community and visitors.
- As the VoG trails network have yet to be completed, it is hard to project the future visitation numbers and thereby the potential impact on WPP. An estimate of an additional 20 cars being parked at WPP during peak demand periods to access the trails was given by DBCA staff. This extra demand for car parking may cause issues as there is already a shortage of available car and long vehicle bay parking during peak periods.
- A review of the 2016 WPP Management Plan and Master Plan with the inclusion of a VoG trail head is required to consider and mitigate potential impacts of the trail head if/when the VoG trails network become a popular tourist destination. Such review should include costings and financial commitments towards an updated Master Plan.
- The DBCA proposal includes the repurposing of the visitor information structure. The Shire has the exact same stone structure with visitor information in each of its 4 towns, with the aim of building consistency in image and branding across the Shire. Furthermore, significant costs were involved in the construction of these structures. Although the repurposing of this structure is supported, an adequate substitute should be provided by DBCA for the Shire's visitor information, in terms of a prominent location, quality design, appeal, profile, and accessibility.

## **FINANCIAL IMPLICATIONS**

The DBCA proposal includes the implementation of Stage 1 by DBCA at no capital costs to the Shire. However, the costs and funding responsibilities for the implementation of Stage 2 are unclear at this stage, as are the ongoing costs associated with increased visitation to WPP due to the establishment of a trail head in WPP.

## **SUSTAINABILITY**

Environmental: Nil.

Economic: The VoG trails network and proposed trail head in WPP offer significant economic opportunities for the local/regional communities.

Social: The VoG trails network offer additional recreational opportunities for residents and visitors.

**VOTING REQUIREMENTS:                      SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council:**

- 1. Provide in principle support for the establishment of a trail head in Walpole Pioneer Park for the Valley of the Giants trails network by the Department of Biodiversity, Conservation and Attractions.**
- 2. Provide in principle support for the Department of Biodiversity, Conservation and Attractions to repurpose the Shire of Manjimup's stone structure to create a gateway to the trails.**
- 3. Provide in principle support for the relocation of the existing mural on the toilet block, on the condition that community consultation be undertaken to determine a suitable location for it, and that the mural be protected from the weather in its future location.**
- 4. Instruct the Chief Executive Officer to negotiate the tenure arrangement of the site, which may include the surrender of the lease site and its Shire of Manjimup facilities back to the State.**
- 5. Defer further design development for a nature playground in Walpole until the Walpole's community needs and priorities have been determined in the Future Forums proposed to be held later this financial year in each of the Shire's towns.**

**COUNCIL RESOLUTION****MOVED: Cr Omodei      SECONDED: Cr Willcox****29573****That Council:**

- 1. Provide in principle support for the establishment of a trail head in Walpole Pioneer Park for the Valley of the Giants trails network by the Department of Biodiversity, Conservation and Attractions.**
- 2. Provide in principle support for the Department of Biodiversity, Conservation and Attractions to repurpose the Shire of Manjimup's stone structure to create a gateway to the trails.**
- 3. Provide in principle support for the relocation of the existing mural on the toilet block, on the condition that community consultation be undertaken to determine a suitable location for it, and that the mural be protected from the weather in its future location.**
- 4. Instruct the Chief Executive Officer to negotiate the tenure arrangement of the site, which may include the surrender of the lease site and its Shire of Manjimup facilities back to the State.**
- 5. Defer further design development for a nature playground in Walpole until the Walpole's community needs and priorities have been determined in the Future Forums proposed to be held later this financial year in each of the Shire's towns.**

**ADOPTED BY EN BLOC RESOLUTION: 8/0**

**ATTACHMENT****9.9.4 Proposed Lotterywest Application - Completion of Building Works Pemberton Community Hub Balang Miya**

<b>PROPONENT OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	61 Brockman Street Pemberton (Res 19566)
<b>WARD</b>	Rural
<b>ZONE</b>	Public Purposes
<b>DIRECTORATE</b>	Community Services
<b>FILE REFERENCE</b>	F160259
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Gail Ipsen Cutts
<b>DATE OF REPORT</b>	25 September 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

The Pemberton Community Colocation Precinct (the Project) has been in the pipeline for over a decade. Conceived as a simple colocation of the Pemberton Library, Returned Services League (RSL) and Pemberton Community Resource Centre (CRC) the project evolved to include 5 other community organisations.

In March 2020, and after significant consultation and design work, the Shire of Manjimup received a \$1.2 million dollar contribution from Lotterywest towards the development of the Project, and for redevelopment work at Little Taddies Childcare Centre. Grant success at the commencement of COVID-19 proved to be costly and challenging due to escalating building costs, supply chain issues and trade shortages.

As a result of the above, the Project, which had been shaped by extensive consultation, due diligence, design and procurement planning all commencing pre COVID-19, was required to be pared-back to meet post COVID-19 budget realities.

In May 2024 discussions were held with Lotterywest over concerns raised by some stakeholders regarding aspects of the pared-back building. Following discussions Lotterywest representatives indicated a willingness to consider an additional grant application to address those components of the building that had been pared-back due to budget constraints.

At the Ordinary Council Meeting of 23 May 2024 Council moved as follows (noting specific reference to point 2):

**23 MAY 2024**

**MOVED: Cr De Campo    SECONDED: Cr Darin**

**29494**

- 1. That Council direct the Chief Executive Officer to engage a consultant to undertake an independent review of the Pemberton Community Hub Balang Miya (the Hub) Project, including recommendations in relation to:
  - 1.1 Governance arrangements for operation of the Hub;**
  - 1.2 Financial arrangements for operation of the Hub;**
  - 1.3 Building and tenant layout arrangements for operation of the Hub;**
  - 1.4 Asset management and maintenance arrangements for operation of the Hub;**
  - 1.5 Parity and / or equity in relation to other co-location facilities that are owned, operated or utilised by the Shire of Manjimup.****
- 2. That Council direct the Chief Executive Officer to coordinate and lodge a grant application with Lotterywest for completion of building elements of the Hub Project, which includes an allocation of up to \$100,000 Shire funds subject to 2024/2025 Shire Budget allocation.**

**MOTION CARRIED 8/1**

**For:** Cr Buegge, Cr Darin, Cr De Campo, Cr Miolin, Cr Omodei, Cr Ventris, Cr Willcox, Cr Winfield.

**Against:** Cr Eiby.

The purpose of this report is to brief Council on the proposed Lotterywest grant application budget, prior to final grant submission.

#### **PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## COMMENT

The initial Lotterywest grant awarded to the Project and Little Taddies was successfully acquitted by Shire Staff in October 2022 and Lotterywest confirmed that the grant had been fully expended in accordance with the contracted Financial Assistance Agreement.

In June 2024 Lotterywest representatives met with Shire Staff and undertook a tour of the now open community precinct. During this visit representatives confirmed that an additional Shire grant application would need to focus on building matters relating to the initial application. Unless otherwise advised any new requests would not be considered. Furthermore, Lotterywest representatives directly advised stakeholders that individual groups seeking additional items are invited by Lotterywest to submit their own application.

Following the Lotterywest site visit, and a review of those items pared-back from the initial building plans, Shire Staff met with stakeholders to outline those items proposed for inclusion in the new grant application. A copy of the stakeholder meeting notes is attached.

### **ATTACHMENT: 9.9.41()**

Below is a summary list of items as agreed with Lotterywest to be included, and where relevant exclusions are mentioned:

- CCTV - External only Little Taddies and Pemberton Hub Precinct. Groups wanting CCTV internally should include in a separate application.
- Solar - Can only be applied to a new build. RSL extension possible Little Taddies is excluded.
- Air conditioning for Little Taddies (renewal), Pemberton Heritage and History Group (PHHG) Workshop and Museum.
- Ceilings and Insulation - for Pemberton Arts Group (PAG) and PHHG Workshop. (PAG agreed to exclude Kiln Room due to size and complexity).
- RSL Entry Portico – not included in original application but Lotterywest will give it consideration.
- Fence Little Taddies – complete the last section of renewal.
- RSL Building Windows - double glazing and renewal to improve level of internal condensation.
- Kitchen Servery. Whilst RSL have advised that it works OK as is, they have confirmed preference for a servery hatch.



- Improved fireproof rating of Document Room – PHHG
- Paint versus Mural Boards – Building exterior material is an architectural finish that does not require painting, as such painting of the exterior is an unnecessary and ongoing cost. However Mural Frames/Boards can be placed around the complex for artwork and storytelling that can be changed from time to time and enhance the building aesthetics.

It was agreed to include the mural frames in the grant as opposed to painting which would have longer time cost and maintenance implications. Lotterywest agreed to consider this alternative.

- Accessible Ramp - Hepple street
- Outdoor community hard space and furniture. Seating and Shade sails.
- Old Museum Door - PHHG agreed to rectify this with a security screen.

Submitting a Lotterywest grant necessitates obtaining full quotes for all works, this has been quite challenging and at the time of writing this report two final quotes remain outstanding. Cost estimates have been provided for these two items. A copy of the proposed itemised budget is attached.

#### **ATTACHMENT: 9.9.4 (2)**

Council Resolution 29494 indicates an additional Council budget commitment of up to \$100,000. As outlined in the attached budget the proposed cost of completing the works, that had been pared-back during construction, is \$410,406. As such the value of the proposed Lotterywest application is expected to be \$310,406.

Following this report, and pending any feedback from Council, it is the intention of Staff to proceed with finalising the Lotterywest submission as per the 23 May 2024 Council Resolution 29494, Point 2. It is important to note that whilst Lotterywest have offered to consider an additional grant submission for the Project there is no guarantee of funding approval.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

## **POLICY / STRATEGIC IMPLICATIONS**

- Shire of Manjimup Corporate Business Plan 2023 – 2027
- Shire of Manjimup Strategic Community Plan 2021 – 2031

## **ORGANISATIONAL RISK MANAGEMENT**

Paring back the Project was a necessity following the challenges presented by COVID impacts on the building environment, supply chains, trades availability and general cost escalations. Lotterywest have offered to consider a new grant application to complete the pare backed works. Not accepting this opportunity would likely result in reputational damage to the organisation.

## **FINANCIAL IMPLICATIONS**

Council Resolution 29494 on the 24 May 2024 indicates an additional Council budget commitment of up to \$100,000. As outlined in the attached budget the proposed cost of completing the works, that had been pared-back during construction, is \$410,406. As such the value of the proposed Lotterywest application is expected to be \$310,406.

Should the application be successful Council would be required to allocate the agreed \$100,000 contribution from the 2024 – 2025 financial year budget.

## **SUSTAINABILITY**

### Environmental:

Nil.

### Economic:

Business support and visitor information are key services within the Pemberton community and contributors to the local and visitor economy.

### Social:

The Hub will continue to evolve as a central place for art, heritage and social gatherings in Pemberton. Finishing the Project as originally envisaged will contribute to the social pride and the sense of place of participants within the community.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council:**

- 1. Note the itemised budget proposal presented at Attachment: 9.9.4(2) pertaining to the completion of building works at the Pemberton Community Hub Balang Miya.**
- 2. Direct the Chief Executive Officer to proceed with finalising the Lotterywest submission.**

## **COUNCIL RESOLUTION**

**MOVED: Cr Omodei      SECONDED: Cr Willcox**

**29574**

**That Council:**

- 1. Note the itemised budget proposal presented at Attachment: 9.9.4(2) pertaining to the completion of building works at the Pemberton Community Hub Balang Miya.**
- 2. Direct the Chief Executive Officer to proceed with finalising the Lotterywest submission.**

**ADOPTED BY EN BLOC RESOLUTION: 8/0**

**ATTACHMENT****9.1.1 Endorsement of Western Australian Local Government Association's Election Advocacy**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS</b>	Whole of Shire
<b>WARD</b>	Urban and Rural
<b>ZONE</b>	N/A
<b>DIRECTORATE</b>	Office of CEO
<b>FILE REFERENCE</b>	F160489
<b>LEGISLATION</b>	<i>Local Govt Act 1995</i>
<b>AUTHOR</b>	Kevin Walker; Benjamin Rose
<b>DATE OF REPORT</b>	16 September 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

The Local Government Amendment Act 2023 introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections:

- The introduction of Optional Preferential Voting (OPV).
- Extending the election period to account for delays in postal services.
- Changes to the publication of information about candidates.
- Backfilling provisions for extraordinary vacancies after the 2023 election.
- Public election of the Mayor or President for larger Local Governments.
- Abolishing wards for smaller Local Governments.
- Aligning the size of councils with the size of populations of each Local Government (change to representation).

Following requests from several Zone's, Western Australian Local Government Association (WALGA) undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of the legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia. A copy of the WALGA Advocacy Positions as an Information Page is attached.

**ATTACHMENT: 9.1.1(1)****PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

The Elections Analysis Review and Report was presented to State Council 4 September 2024, with State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

**WALGA STATE COUNCIL CURRENT ADVOCACY POSITIONS**

The following is a summary of WALGA's current Advocacy Positions in relation to Local Government Elections.

<b>2.5.15 ELECTIONS</b>	
Position Statement	The Local Government sector supports: <ol style="list-style-type: none"> <li>1. Four year terms with a two year spill</li> <li>2. Greater participation in Local Government elections</li> <li>3. The option to hold elections through:               <ul style="list-style-type: none"> <li>• Online voting</li> <li>• Postal voting</li> <li>• In-person voting</li> </ul> </li> <li>4. Voting at Local Government elections to be voluntary</li> <li>5. The first past the post method of counting votes. The Local Government sector opposes the introduction of preferential voting, however if 'first past the post' voting is not retained then optional preferential voting is preferred.</li> </ol>
Background	The first past the post (FPTP) method is simple, allows an expression of the electorate's wishes and does not encourage tickets and alliances to be formed to allocate preferences.
State Council Resolution	February 2022 – 312.1/2022 December 2020 – 142.6/2020 March 2019 – 06.3/2019 December 2017 – 121.6/2017 October 2008 – 427.5/2008

<b>2.5.16 METHOD OF ELECTION OF MAYOR</b>	
Position Statement	Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community
State Council Resolution	February 2022 – 312.1/2022 March 2019 – 06.3/2019 December 2017 – 121.6/2017

<b>2.5.18 CONDUCT OF POSTAL ELECTIONS</b>	
Position Statement	The Local Government Act 1995 should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections.
Background	Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.
State Council Resolution	<ul style="list-style-type: none"> <li>• May 2023 – 452.2/2023</li> <li>• March 2019 – 06.3/2019</li> <li>• December 2017 – 121.6/2017</li> <li>• March 2012 – 24.2/2012</li> </ul>

### **LOCAL GOVERNMENT**

WALGA has requested the following advocacy positions be considered by Councils:

#### **Participation**

- (a) The sector continues to support voluntary voting at Local Government elections.
- or
- (b) The sector supports compulsory voting at Local Governments elections.

#### **Officers Recommendation**

Support WALGA's position that voting in Local Government Elections should remain voluntary.

### **Terms Of Office**

- a) The sector continues to support four-year terms with a two-year spill;
- or
- b) The sector supports four-year terms on an all in/all out basis.

### **Officers Recommendation**

Support WALGA's position to continue four-year terms with a two-year spill.

### **Voting Methods**

- a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections
- or
- b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

### **Officers Recommendation**

Support WALGA's position with FPTP as the preferred voting method and if OPV remains that the removal of 'proportional' as part of the voting method.

### **Internal Elections**

- a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.
- or
- b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

### **Officers Recommendation**

Support WALGA's position with FPTP as the preferred voting method for all internal elections.

### **Voting Accessibility**

The sector supports the option to hold general elections through.

- a) Electronic voting; and/or
- b) Postal voting; and/or

- c) In-Person voting.

Officers Recommendation

Support WALGA's position that the sector chooses whatever method of voting it determines appropriate for the best outcome for the election process.

**Method of Election of Mayor**

The sector supports.

- a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.
- b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.
- c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

Officers Recommendation

Support WALGA's position that all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.

**STATUTORY ENVIRONMENT**

Advocacy Positions for a New Local Government Act.

WALGA submission: Local Government Reform Proposal (February 2022).

**POLICY / STRATEGIC IMPLICATIONS**

Nil.

**ORGANISATIONAL RISK MANAGEMENT**

Nil.

**FINANCIAL IMPLICATIONS**

Nil.

**SUSTAINABILITY**

Environmental: Nil.



Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

### **OFFICER RECOMMENDATION**

That Council supports the Western Australian Local Government Association, Local Government Election Advocacy Positions as per the following;

1. **Participation – Council support advocacy position (a) – The sector continues to support voluntary voting at Local Government elections.**
2. **Terms of Office - Council support advocacy position (a) – The sector continues to support four-year terms with a two year spill.**
3. **Voting Methods - Council support advocacy position (a) - The sector supports First Past the Post as the preferred voting method for general elections. If Optional Preferential Voting remains as the primary method of voting, the sector supports the removal of the ‘proportional’ part of the voting method for general elections.**
4. **Internal Elections - Council support advocacy position (a) The sector supports First Past the Post as the preferred voting method for all internal elections.**
5. **Voting Accessibility – Council support advocacy position that allows the option to hold general elections through:**
  - a) **Electronic voting: and/or**
  - b) **Postal Voting; and/or**
  - c) **In-person voting.**
6. **Method of Election of Mayor - Council support advocacy position (b) - Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.**

### **COUNCIL RESOLUTION**

**MOVED: Cr Omodei      SECONDED: Cr De Campo**

**29575**

That Council supports the Western Australian Local Government Association, Local Government Election Advocacy Positions as per the following:

1. **Participation – Council support advocacy position (a) – The sector continues to support voluntary voting at Local Government elections.**
2. **Terms of Office - Council support advocacy position (a) – The sector continues to support four-year terms with a two year spill.**
3. **Voting Methods - Council support advocacy position (a) - The sector supports First Past the Post as the preferred voting method for general elections. If Optional Preferential Voting remains as the primary method of voting, the sector supports the removal of the ‘proportional’ part of the voting method for general elections.**
4. **Internal Elections - Council support advocacy position (a) The sector supports First Past the Post as the preferred voting method for all internal elections.**
5. **Voting Accessibility – Council support advocacy position that allows the option to hold general elections through:**
  - a) **Electronic voting: and/or**
  - b) **Postal Voting; and/or**
  - c) **In-person voting.**
6. **Method of Election of Mayor - Council support advocacy position (b) - Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.**

**CARRIED: 8/0**

**For:** Cr Darin, Cr De Campo, Cr Eiby, Cr Miolin, Cr Omodei, Cr Ventris, Cr Willcox, Cr Winfield.

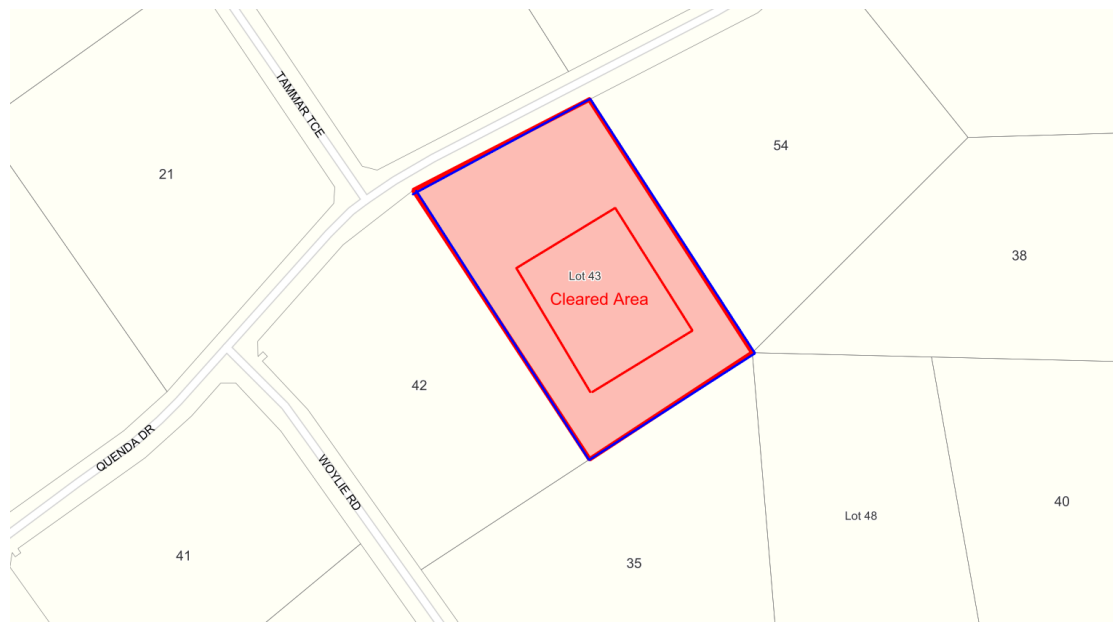
**Against:** Nil.

**ATTACHMENT****9.5.1 Application for Retrospective Approval for Land Clearing at Lot 43 Quenda Drive, Northcliffe**

<b>PROPONENT</b>	Ms L M Readon
<b>OWNER</b>	Ms L M Readon
<b>LOCATION / ADDRESS</b>	Lot 43 Quenda Drive, Northcliffe
<b>WARD</b>	Rural
<b>ZONE</b>	Rural Residential
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	DA24/108 P57500 TP108/2024
<b>LEGISLATION</b>	<i>Planning and Development Act 2005</i>
<b>AUTHOR</b>	Karleha Brown
<b>DATE OF REPORT</b>	26 August 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

Council is requested to consider an application for retrospective approval for clearing undertaken at Lot 43 Quenda Drive, Northcliffe. The property is 2 hectares in area and is located on the southern side of Quenda Drive as shown on the location plan below. Prior to the land clearing the property was densely vegetated with locally native trees and understorey. A location plan is shown below.

**LOCATION PLAN**

The matter of the unauthorised clearing at the property was brought to the attention of Shire Staff through a verbal complaint. An application for retrospective approval to the clearing of 4,500m<sup>2</sup> vegetated area for a future development has been received. A copy of the submitted application, is provided at Attachment: 9.5.1.(1), whilst photographs of the clearing undertaken are shown at Attachment: 9.5.1(2).

**ATTACHMENT: 9.5.1(1)**  
**ATTACHMENT: 9.5.1(2)**

Council is requested to consider the application as Shire staff do not have delegated authority to determine retrospective applications.

It is also noted that during a site inspection, Shire Staff have observed that a Shipping Container has been placed on the property without prior planning approval.

### **PUBLIC CONSULTATION UNDERTAKEN**

In accordance with the requirements of Local Planning Scheme No. 4 (the Scheme), the proposal was referred to the adjoining landowners and the Department of Water and Environmental Regulation (DWER) for their comment.

No comments were received from the adjoining landowners, however DWER provided commented on the proposal stating that the department does not issue retrospective approvals for clearing and that the matter has been referred to the DWER's compliance and enforcement division for potential investigation.

The content of the DWER correspondence is detailed in the Comment section below, whilst a copy is shown attached.

**ATTACHMENT: 9.5.1 (3)**

### **COMMENT**

The subject property is zoned Rural Residential under the provisions of the Scheme.

In determining an application for planning approval the local government is required to have regard to various matters as outlined within clause 10.2 of the Scheme. These matters include, but are not limited to:

- (i) *the aims and provisions of the Scheme and any other relevant Local Planning Scheme operating within the Scheme area;*
- (iii) *any approved State Planning Policies of the Commission;*
- (vi) *the local government's adopted Local Planning Strategy and any Local Policy adopted by the local government under clause 2.4, any Heritage Policy Statement for a designated Heritage Area adopted under Clause 7.2.2, and any other plan or guidelines adopted by the local government under the Scheme;*

- (xiii) *the likely effect of the proposal on the natural environment and any means that are proposed to protect or mitigate impacts on the natural environment;*
- (xv) *the preservation of the amenity of the locality; and*
- (xvi) *the relationship of the proposal to development on adjoining and or on other land in the locality including but not limited to, the likely effect of the height, bulks, scale, orientation and appearance of the proposal.*

An assessment against the above criteria is provided within the balance of this agenda item and consideration needs to be given as to whether a condition should be imposed requiring some revegetation of the property.

### Scheme Provisions

The purpose of the Rural Residential zone is to *“provide for low density residential development in a rural setting consistent and compatible with adjacent land use activity, landscape and the environmental attributes of the land.”* Consistent with this purpose, the Scheme outlines the following objectives that are relevant to the application:

- (ii) *Encourage the introduction of clearing and land management controls and restrictions, and environmental repair where appropriate.*
- (iv) *Facilitate the conservation of native vegetation, water courses and water bodies and other environmental features and, where appropriate, to provide for environmental repair.*

As reflected above, the protection of existing vegetation and requirement for environmental repair are key considerations informing the management of Rural Residential land.

### Clearing Land

In accordance with clause 5.7.1 of the Scheme, the clearing of Rural Residential zoned land shall not be undertaken without the prior planning approval of the local government. The clause also outlines that there is a general presumption against approving the clearing in this zone.

As outlined by clause 5.7.4 of the Scheme, where native vegetation is cleared, unless otherwise approved by Council:

*“..an equivalent area of land be revegetated with native vegetation indigenous to the locality on the land subject of the application or on public land managed by the local government or with the consent of the land owner(s) on other land in their ownership to ensure that there is no net loss of native vegetation to the local government.”*

The requirement for prior approval is reiterated in clause 5.36.3.7 which specifically states clearing should not be undertaken within a defined/approved building envelope (if one exists) without the prior consent of the local government.

In this case no defined building envelope exists however, a portion of the subject site would have been required to be cleared for the establishment of an approved dwelling. A search of Shire records indicated that there is no prior approval for a dwelling or any other structure at the subject property.

In response to correspondence from Shire staff on the alleged land clearing, the applicant stated that the area cleared is to provide an area for a future dwelling and associated outbuildings, including an area for fire management purposes around 'future' built infrastructure (i.e. an asset protection zone).

However, Shire staff are aware the subject property is under contract of sale and therefore the current landowners are no longer intending to build on the site. Notwithstanding the above justification, in accordance with clause 5.7.4, prior approval was required for the clearing.

The 4,500m<sup>2</sup> cleared area is considered excessive given the objectives of the zone and especially given that 'future' development could still occur in an alternative location, with additional clearing required at that time.

In comparison, Shire staff undertook a desk top assessment of the neighbouring properties, with approved dwellings and/or outbuildings and asset protection zones established. Those properties have cleared an area ranging between 3,000m<sup>2</sup> to 3,500m<sup>2</sup> of vegetation depending on the scale of construction. Given this, it is recommended that the landowner be required to revegetate a minimum 1,000m<sup>2</sup> of vegetation on the property to reflect surrounding developed land. The revegetation, although only a portion of what has been cleared, will reduce the vast area of cleared vegetation on the subject property in attempt to re-establish vegetation for its conservation and landscape values.

#### Legal Action

In accordance with the provisions of the *Planning and Development Act 2005*, a modified penalty may be issued in the place of a formal prosecution for a breach of the Scheme. Historically, the Shire has prosecuted various parties for undertaking land clearing without prior planning approvals, including a developer in Walpole, a caravan park operator in Walpole and a private landowner in Pemberton.

In this case, given the nature of the unauthorised development, being the removal of vegetation without prior planning approval, the use of a modified penalty is not considered appropriate, and it is recommended that legal action is also appropriate in this instance.

It should be noted that DWER may also require revegetation works under a *Country Areas Water Supply Act 1947*.

#### Contract of Sale

Shire Staff have been made aware that the subject property is under the contract of sale. The prospective purchasers are aware of this unauthorised development through an Orders and Requisitions search.

### Shipping Container

With regards to the unauthorised placement of a Shipping Container, it is recommended that a condition be imposed requiring either retrospective approval or its removal within ninety (90) days of the determination notice. From discussions with the landowner, it was mentioned that the Shipping Containers were only temporary and were not intended to be there long term. Therefore, following the determination of this application and due to the current contract of sale of the property it is anticipated that the landowner will attend to the unauthorised nature.

### Conclusion

Shire Staff consider that the unauthorised clearing to the extent undertaken is without adequate justification and could have occurred in a manner that was consistent with the objectives and provisions of the zone. The level of clearing could have been moderated through the planning process, if prior planning approval had been sought prior to the works being undertaken.

It is recommended the landowner revegetate a minimum 1,000m<sup>2</sup> of vegetation on the property to reflect surrounding developed land to the satisfaction of Council.

## **STATUTORY ENVIRONMENT**

*Planning and Development Act 2005* and Local Planning Scheme No. 4.

## **POLICY / STRATEGIC IMPLICATIONS**

Approval of the application subject to a condition requiring the property to be revegetated aligns with the following strategies as outlined in the Shire of Manjimup's Strategic Community Plan 2021 -2031:

- A1. *Support initiatives that protect and nurture biodiversity and endemic species.*
- A2. *Implement measures to protect and enhance the amenity and diversity of the visual landscape.*

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

The applicant has paid the retrospective fee required as per the Shire's 2023-2024 adopted Fees and Charges Schedule.

## **SUSTAINABILITY**

Environmental: Unauthorised land clearing has occurred on the property on land without prior planning approval. The requirement for revegetation will minimise this impact.

Economic: Nil.

Social: Nil.

## **VOTING REQUIREMENTS: SIMPLE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council:**

- 1. In accordance with Part 10, Clause 5.5 and Clause 8.6 of Local Planning Scheme No. 4, grant retrospective development approval for the land clearing at Lot 43 Quenda Drive, Northcliffe subject to compliance with the following conditions:**
  - 1.1. The subject property is to be rehabilitated with native and/or non-indigenous trees and/or other vegetation in accordance with a programme approved by the Shire of Manjimup . The programme shall be implemented within 90 days to the satisfaction of the Shire of Manjimup the minimum land area to be revegetated is to be 1,000m<sup>2</sup> of the land within the currently cleared areas.**

### **Advice to Applicant**

- i) The proponent is advised to contact the Department of Water and Environmental Regulations at [CAWSA@dwer.wa.gov.au](mailto:CAWSA@dwer.wa.gov.au) to discuss the retrospective clearing under the *Country Areas Water Supply Act 1947*.**
- 2. Authorise the Chief Executive Officer to proceed with legal action against the owners of Lot 43 Quenda Drive, Northcliffe for a breach of Local Planning Scheme No. 4 in respect of the unauthorised development.**
- 3. Note that a Directions Notice to remove the Shipping Container from the property will be issued by the Shire of Manjimup.**



**FORESHADOWED MOTION:****Cr Eiby****That Council:**

1. In accordance with Part 10, Clause 5.5 and Clause 8.6 of Local Planning Scheme No. 4, grant retrospective development approval for the land clearing at Lot 43 Quenda Drive, Northcliffe subject to compliance with the following conditions:
  - 1.1. The subject property is to be rehabilitated with native and/or non-indigenous trees and/or other vegetation in accordance with a programme approved by the Shire of Manjimup . The programme shall be implemented within 90 days to the satisfaction of the Shire of Manjimup the minimum land area to be revegetated is to be 1,000m<sup>2</sup> of the land within the currently cleared areas.

**Advice to Applicant**

- i) The proponent is advised to contact the Department of Water and Environmental Regulations at [CAWSA@dwer.wa.gov.au](mailto:CAWSA@dwer.wa.gov.au) to discuss the retrospective clearing under the *Country Areas Water Supply Act 1947*.
2. Authorise the Chief Executive Officer to proceed with legal action against the owners of Lot 43 Quenda Drive, Northcliffe for a breach of Local Planning Scheme No. 4 in respect of the unauthorised development.
  3. Note that a Directions Notice to remove the Shipping Container from the property will be issued by the Shire of Manjimup.

**LAPSED AS SUBSTANTIVE MOTION WAS CARRIED****COUNCIL RESOLUTION****MOVED: Cr De Campo    SECONDED: Cr Omodei****29576****That Council:**

1. In accordance with Part 10, Clause 5.5 and Clause 8.6 of Local Planning Scheme No. 4, grant retrospective development approval for the land clearing at Lot 43 Quenda Drive, Northcliffe.

**Advice to Applicant**

- i) The proponent is advised to contact the Department of Water

and Environmental Regulations at [CAWSA@dwer.wa.gov.au](mailto:CAWSA@dwer.wa.gov.au) to discuss the retrospective clearing under the *Country Areas Water Supply Act 1947*.

2. Note that a Directions Notice to remove the Shipping Container from the property will be issued by the Shire of Manjimup.

**MOTION CARRIED 5/3**

**FOR**

Cr W De Campo

Cr S Miolin

Cr P Omodei

Cr M Ventris

Cr J Willcox

**AGAINST**

Cr J Darin

Cr W Eiby

Cr C Winfield

## APPENDIX

### 9.9.1 Manjimup Rea Park and Collier Street Redevelopment Project: Proposed Application Growing Regions Round Two

<b>PROPONENT OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Rea Park, Collier Street, Lot 783, Manjimup, Reserve 19552
<b>WARD</b>	Urban
<b>ZONE</b>	Parks and Recreation
<b>DIRECTORATE</b>	Community Services
<b>FILE REFERENCE</b>	F170109
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Evy Apeldoorn; Benjamin Rose
<b>DATE OF REPORT</b>	19 September 2024
<b>DECLARATION OF INTEREST</b>	Nil

#### BACKGROUND

The Manjimup Rea Park and Collier Street Redevelopment (MRCR) project will result in the Rea Park and Collier Street Reserve (Reserve) being transformed into a premier level facility, catering for high level sporting events, in addition to regular club usage and non-sporting events. It will also accommodate regional sporting carnivals and competitions that require multiple sporting fields and will draw large crowds from the region. Implementation of the MRCR is a key component of the Shire's efforts towards meeting the direction of the town's future sport and recreational facilities mix.

At the Special Meeting of Council held on 21 December 2023 Council resolved to support the implementation of Stage 2 of the project as outlined below.

<b>MOVED: Cr Omodei</b>	<b>SECONDED: Cr Winfield</b>
<b>29400</b>	
<b>That Council:</b>	
<ol style="list-style-type: none"> <li><b>1. Supports implementation of Stage 2 of the Manjimup Rea Park and Collier Street Reserve Redevelopment Project:</b></li> <li><b>2. Directs the Chief Executive Officer to submit a grant application to the Commonwealth Growing Regions Program Round 1.</b></li> <li><b>3. Approves an amendment to the Shire of Manjimup 2023-24 budget, to contribute to the grant application, as outlined in the following table:</b></li> </ol>	

Description	Current Budget	Amended Budget	Variation
Transfer from Rea Park/Collier Street Development and Renewal Reserve Account	\$0	\$3,188,731	(\$3,188,731)
MRCR – Stage 2	\$0	\$3,188,731	\$3,188,731
Net Rate Funds			\$0

4. **Authorises the Chief Executive Officer and Shire President as signatories to the Growing Regions Program grant, if the Shire is successful in being awarded the full requested funding amount.**

**CARRIED: 9/0**

**For:** Cr D Buegge, Cr J Darin, Cr W De Campo, Cr W Eiby, Cr S Miolin, Cr P Omodei; Cr M Ventris; Cr J Willcox; Cr C Winfield.

**Against:** Nil.

The Agenda Item and Minutes from the meeting held on 21 December 2023 are appended for Council's reference.

#### **APPENDIX: 9.9.1 (A)**

Following the above Council resolution and the successful Expression of Interest (EOI) for the Growing Regions Program (GRP) Round 1, a full application was prepared and submitted by the MRCR Project Team. On 16 May 2024 the Shire received notification from the Commonwealth Government that the application was unsuccessful.

In August 2024 the GRP Round 2 was announced, which opened on 5 September and will close on 10 October 2024.

The purpose of this report is to seek Council's support to submit a grant application to the Commonwealth Growing Regions Program Round 2 for Stage 2 of the project.

#### **PUBLIC CONSULTATION UNDERTAKEN**

Extensive community and stakeholder consultation has been undertaken throughout the MRCR planning stage.

In relation to the GRP Round 1, stakeholder consultation was undertaken through the Manjimup Rea Park and Collier Street Redevelopment (MRCR) Advisory Committee at its meeting on 13 July 2023 to gauge support for an

EOI/application. At the Council meeting of 27 July 2023, a separate agenda item to the above was presented to Council to receive the Minutes of this Committee Meeting and to acknowledge the support of this Committee for an EOI/application under Round 1 of the GRP.

At the MRCR Advisory Committee meeting held on 27 August 2024 it was discussed that the Shire would be preparing a submission for the GRP Round 2. The minutes of this meeting were presented to Council at its Ordinary Meeting held on 12 September 2024.

## **COMMENT**

### Growing Regions Program Round 2

The Australian Government has committed \$600 million towards the Growing Regions Program (GRP) to deliver investment in locally driven community infrastructure projects across regional and remote Australia, with funding available over two rounds. Round 2 will provide \$393 million in total funding. The Growing Regions Program is an open competitive program with funding awarded on a merit basis.

Applications for Round 2 opened on 5 September and will close on 10 October 2024. Round 2 will have a single-stage full application process, unlike Round 1 which had two-stages. Funding between \$500,000 and \$15 million will be awarded to eligible local governments and incorporated not-for-profit organisations to deliver capital works projects for priority community infrastructure.

The assessment criteria for Round 2 has somewhat changed from those in Round 1, with the following focus areas:

1. Contribution to social and community inclusion (40 points)
2. Alignment with Government and regional strategic priorities (20 points).
3. Capacity, capability and resources to deliver and sustain the project (40 points).

### Feedback Growing Regions Program Round 1

Round 1 was a highly competitive round with approximately only 6% of the applications being successful. Following the announcement of the Shire's application to Round 1 being unsuccessful feedback was sought from the Commonwealth Government by the MRCR project team. Feedback received how the Shire's application performed against the assessment criteria was as follows:

The assessors noted the application demonstrated the following strengths:

- The application provides a good, detailed case as to how the project will meet the needs of the community with the project driven by the current facilities being well-utilised but outdated and no longer fit for purpose.

- The application also sets out a good case demonstrating community support for the project. It outlines the Shire's consultation process with the local community, which appears to include a diverse range of community groups.
- The assessors also considered that the application provides a strong case in relation to the economic benefits for the community and region, noting that the business case document includes an independent economic impact assessment and cost-benefit analysis indicating the project will provide net economic benefit.
- The application includes good detail to describe how the project aligns with various local, regional, state and federal plans and policies.
- The application provides a good case in relation to future operation and maintenance of the project infrastructure.
- The application clearly demonstrates project readiness, noting that all background documentation and planning documents have been developed and with Stage 1 has already underway, the application presents a compelling argument for project readiness.

The assessors also noted that the application could have been improved by:

- The application may have been enhanced by providing evidence of consultation with First Nations groups and diverse cultural groups to demonstrate how their viewpoints may have been reflected in the project design.
- It was considered that the application provides a well explained case in relation to the social benefits for the community and region. It was considered by assessors however that the application may have been strengthened by a more thorough explanation of the inadequacy of the present infrastructure.
- The application shows a good understanding of how the project contributes to broader Government priorities such as gender equity. The application may have been strengthened by additional analysis as to how First Nations priorities may have been addressed.
- The application provides a general outline of how the project design has considered environmental impacts, nature-based solutions and circular economy principles, with limited evidence in support.

The strengths of the application acknowledged by the assessors demonstrates that the project is funding ready and meets the assessment criteria. The suggestions for improvements will be taken into consideration when preparing the application for Round 2. Most of these matters have been considered throughout the planning stage and are included (although in a few instances in an implicit manner) in the large amount of project planning documents. Due to the size limitations for supporting documents to the application set by the funding body, not all planning documents can be uploaded (in part or fully). As such, should Council support a submission, these matters will be emphasised more within the application itself and the allowable size of the supporting documents.

### Rea Park and Collier Street Redevelopment

At the Council meeting of 21 December 2023 Council resolved to support the proposed MRCR staging, and costings are shown in the following table.

Components	Stage 1	Stage 2	Stage 3
<i>Prerequisites for development</i>			
Power upgrade	\$1,411,466		
Collier St road amalgamation	Minor		
<i>Playing fields</i>			
Playing field lighting	\$1,133,010		
Collier St fields upgrade		\$3,471,136	
Rea Park field upgrade			\$1,849,438
New multipurpose field		\$944,325	
Connect new field with northern Collier St field			N/A
Reserve drainage		\$150,000	\$75,000
<i>Amenities</i>			
Amenities upgrade/renewal		\$1,292,000	
New Collier St pavilion			\$6,000,000
New entry road & car park to new pavilion			\$1,000,000
New storage units			\$250,000
<i>Events infrastructure</i>			
Event power enclosures	\$124,959		
Multipurpose turf area		\$100,000	
Spectator seating and events facilities		\$170,000	
<i>Other</i>			
Extension Richmond St		\$100,000	
New road connecting Johnson St		\$80,000	
Landscaping, signage, paths & reserve fencing			\$250,000
Upgrade other roads & car parking			\$300,000
Additional project management allowance		\$70,000	
<b>Total</b>	<b>\$18,771,334</b>	<b>\$2,669,435</b>	<b>\$6,377,461</b>
		<b>\$6,377,461</b>	<b>\$9,724,438</b>

As part of due diligence, a cost review of the fields upgrade was requested from the consultancy agency that undertook the design development and costings for the playing fields. The outcome of this review was that there are no significant costs changes expected for the fields since the original costings were developed.

Taking into account the required Shire co-contribution of at least 50% towards a GRP Round 2 application, the proposed funding sources for Stage 2 are shown in the below table.

<b>Source of funding</b>	<b>Amount (ex GST)</b>
Shire of Manjimup – MRCR Loan	\$3,188,731
Growing Regions Program – Round 1	\$3,188,731
<b>TOTAL PROJECT COSTS STAGE 2</b>	<b>\$6,377,461</b>

Further to the above, cash contributions will be sought from the sporting clubs based at the precinct.

It is recommended that Council supports the proposed MRCR Stage 2 as follows:

1. Supports the submission of an application to Round 2 of the Growing Regions Program.
2. Agrees to the expenditure of \$3,188,731 of the MRCR Reserve Account funds in the 2024/25 financial year.

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995, s6.8 (Financial Management Regulations).*

## **POLICY / STRATEGIC IMPLICATIONS**

Implementation of the Rea Park and Collier Street Redevelopment is supported by the following strategies in the Shire of Manjimup Strategic Community Plan 2021-2031:

- Strategy C1 - Encourage co-locations, partnerships, and resource sharing to deliver community services.
- Strategy C18 - Create, support, and promote a broad range of sporting, recreational and social opportunities that are accessible and inclusive for all ages and abilities.
- Strategy D5 - Develop and maintain community infrastructure to a service-level that meets the community's needs.
- Strategy D12 - Assist communities to build and maintain sport and recreation facilities whilst encouraging co-locations, collaborations, and resource sharing wherever possible.
- Strategy D13 - Support the development of a state-level sporting facility in the township of Manjimup.



## ORGANISATIONAL RISK MANAGEMENT

The project risk profile and risk mitigation strategies have been comprehensively outlined in the Council in the appended minutes of the Council meeting held on 21 December 2023.

## FINANCIAL IMPLICATIONS

With Council having made an initial commitment of \$5 million (loan contribution) towards the MRCR project, it is apparent that other funding will need to be sought to complete the remaining stage(s) of the MRCR project. One way to maximise Council's contribution is to leverage funding opportunities, with the GRP offering such an opportunity.

The funds committed by Council towards the MRCR project are held in the Rea Park/Collier Street Development and Renewal Reserve Account. The purpose of this Reserve Account is:

***'to set aside funds for the development of recreation facilities and future renewal costs at the Reserve'.***

Considering the approved allocation of Shire funds towards Stage 1 (\$1,50,275) and further planning costs for preparing the project components, the remaining amount available of Council's \$5 million commitment, should Council approve the recommendation to support the implementation of Stage 2, is \$50,995 (see table below).

Allocated Shire Funds towards MRCR (Loan 2b and Loan 2c) (ex GST)	\$5,000,000
Stage 0 (Planning)	\$250,000
Stage 1 (Power & Lighting)	\$1,510,275
Stage 2 (Playing Fields, Amenities, Events)	\$3,188,731
Remaining	\$50,995

Further to the proposed remaining balance in the Reserve Account of \$50,995, any unspent funds allocated to Stage 2 will remain in the Reserve Account.

The balance of this Reserve Account, as stated in the 2024/25 Budget, is \$3,634,041.

The ongoing financial implications for the project components included in Stage 2 have been outlined in the appended Council agenda item.

The undertaking of Stage 1 and the proposed Stage 2 would see the full utilisation (with the exception of \$50,995) of the \$5 million Council commitment towards the MRCR project. This means the undertaking of any further project components listed in Stage 3 will require further funding from

Council. The main remaining components are the upgrade of the Rea Park oval (\$1.8 million, estimate only) and the new Collier Street Pavilion (\$7 million, estimate only).

## **SUSTAINABILITY**

Environmental: Potential reductions of environmental impacts have been considered in numerous project components, including water wise systems in the new irrigation system and amenities buildings, flora and fauna assessments, the installation of solar systems, and the use of recyclable materials.

Economic: Improved sporting facilities provides opportunities for increased regional competition and associated economic spin off related to increased visitation.

Social: The proposed project would see the implementation of Stage 2 of the Manjimup Rea Park and Collier Street Redevelopment. These facilities are shared by a large number of clubs, community groups and other users, of various cultures and abilities, which will benefit from the project.

## **VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council supports implementation of Stage 2 of the Manjimup Rea Park and Collier Street Reserve Redevelopment Project by:**

- 1. Directing the Chief Executive Officer to submit a grant application to the Commonwealth Growing Regions Program Round 2.**
- 2. Approving an amendment to the Shire of Manjimup 2024-25 budget, to contribute to the grant application, as outlined in the following table:**

<b>Description</b>	<b>Current Budget</b>	<b>Amended Budget</b>	<b>Variation</b>
<b>Transfer from Rea Park/Collier Street Development and Renewal Reserve Account</b>	<b>\$0</b>	<b>(\$3,188,731)</b>	<b>(\$3,188,731)</b>
<b>MRCR – Stage 2</b>	<b>\$0</b>	<b>\$6,377,461</b>	<b>\$3,188,731</b>
<b>Growing the Regions Grant Request</b>		<b>(\$3,188,731)</b>	
<b>Net Rate Funds</b>			<b>\$0</b>

3. Authorising the Chief Executive Officer and Shire President as signatories to the Growing Regions Program grant, if the Shire is successful in being awarded the full requested funding amount.

#### COUNCIL RESOLUTION

**MOVED:** Cr De Campo    **SECONDED:** Cr Winfield

**29577**

That Council supports implementation of Stage 2 of the Manjimup Rea Park and Collier Street Reserve Redevelopment Project by:

1. Directing the Chief Executive Officer to submit a grant application to the Commonwealth Growing Regions Program Round 2.
2. Approving an amendment to the Shire of Manjimup 2024-25 budget, to contribute to the grant application, as outlined in the following table:

Description	Current Budget	Amended Budget	Variation
Transfer from Rea Park/Collier Street Development and Renewal Reserve Account	\$0	(\$3,188,731)	(\$3,188,731)
MRCR – Stage 2	\$0	\$6,377,461	\$3,188,731
Growing the Regions Grant Request		(\$3,188,731)	
<b>Net Rate Funds</b>			<b>\$0</b>

3. Authorising the Chief Executive Officer and Shire President as signatories to the Growing Regions Program grant, if the Shire is successful in being awarded the full requested funding amount.

**CARRIED: 8/0**

**For:** Cr Darin, Cr De Campo, Cr Eiby, Cr Miolin, Cr Omodei, Cr Ventris, Cr Willcox, Cr Winfield.

**Against:** Nil.

**ATTACHMENT****9.9.2 Proposed Budget Amendment - Feasibility Study for Establishment of Off-Road Vehicle Area**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Various
<b>WARD</b>	Rural
<b>ZONE</b>	Various
<b>DIRECTORATE</b>	Community Services
<b>FILE REFERENCE</b>	F190388
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Evy Apeldoorn
<b>DATE OF REPORT</b>	20 September 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

A proposal with a request for funding for the development of a feasibility study for the establishment of an Off-Road Vehicle (ORV) Area was submitted on 26 August 2024 to Local Government Minister Hannah Beazley.

The proposal is attached for Council's reference.

**ATTACHMENT: 9.9.2 (1)**

On 19 September the Shire of Manjimup received correspondence from the Minister that the request has been approved.

Council is being requested to amend the 2024-2025 Annual Budget to receive the grant funding and allocate the funds for the undertaking of this feasibility study.

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

At the Ordinary Council Meeting held on 17 December 2020 Council resolved (Resolution 28334) to support the implementation of the Stages 1 to 4 of the Manjimup Trail Bike Hub (MTBH). The commencement of the enactment of the Control of Vehicles (Off-Road) Act is one of the deliverables of Stage 4, with the aim to get ready for implementation, including trails construction, of Stages 5 and 6 of the MTBH project should Council support this implementation. The proposed Stages 5 and 6 of the MTBH project intend to cater for the rider segments (as outlined in the MTBH Feasibility Study 2017) Family Explorers (trail bike touring for families), ATVs (quad bikes) and Side by Sides.

The attached proposal was developed over the past year. If accepted by Council, the funding would see the undertaking of Stages 5.1 and 5.2 at an anticipated cost of \$57,000 and timeframe of 14 months. The deliverables include research into the Act and permitted areas, the identification of suitable land, and the development of an area master plan and implementation plan.

It should be noted that the request for funding for the feasibility study was submitted prior to, and unbeknown of the announcement of the ORV Grants Program on 1 September 2024. This grant program, closing on 8 November 2024, has \$4.8M allocated to construct new ORV areas and for major upgrades at existing permitted ORV areas.

The attached 'Management of Off-Road Vehicles – Information for Local Governments', developed by the Department of Local Government, Sport and Cultural Industries (DLGSC), is a guide to assist local governments better understand current legislation and manage ORV areas.

**ATTACHMENT: 9.9.2 (2)**

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

## **POLICY / STRATEGIC IMPLICATIONS**

Strategically, Council has for some time had a considerable focus on economic development in the region. Activities and events that encourage large numbers of people to the region are vitally important to community prosperity and growth.

The MTBH initiative is linked to the following strategies of the Shire of Manjimup Strategic Community Plan 2021-2031:

- B12. Provide development opportunities and support local small businesses to thrive.
- B15. Further develop the 'Trails Hub' tourism destination concept and facilitate the implementation of a range of trail options connecting to and linking key destinations.
- C18. Create, support and promote a broad range sporting, recreational and social opportunities that are accessible and inclusive for all ages and abilities.

## **ORGANISATIONAL RISK MANAGEMENT**

The undertaking of a feasibility study, including the identification and mitigation of potential risks, aims to assist Council with making informed decisions regarding the process of establishing an ORV area.

## **FINANCIAL IMPLICATIONS**

There is no cash contribution required for the undertaking of the feasibility study, although it will require an in-kind contribution of Shire staff time.

## **SUSTAINABILITY**

Environmental: The Manjimup Trail Bike Trails Hub Feasibility Report (2017) involved consultation with State Government agencies which included constraint and opportunity mapping that included locations of existing environmentally sensitive areas, disease risk areas and water catchments. Initial indication of areas where trails potentially could be located are provided in the report which also meet market demands and other concerns such as noise pollution. A detailed account of the process to formalise these trails including environmental protection is also reported and would have to be undertaken in any implementation.

Economic: The Manjimup Trail Bike Trails Hub Feasibility Report and independent Economic Impact Assessment identified a potential sustainable market for users of the trails hub including local, interstate and intrastate users. Significant potential for local and regional economic impact has been identified in both studies.

Social: The provision of a formalised, safe and attractive network of trails for local residents and visitors of all ages to recreate on trail bikes, establishes a place where trail bike riders feel welcomed and have a high-quality trails experience exploring the forest.

## **VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council amend the Shire of Manjimup 2024/25 Annual Budget to recognise grant income from the Off-Road Vehicle Special Purpose Account and associated expenditure to develop a Feasibility Study for the Establishment of an Off-Road Vehicle Area, in accordance with the following table:**

Description	Current Budget	Amended Budget	Variation
Revenue – Off-Road Vehicle Special Purpose Account	\$0	(\$57,000)	(\$57,000)
Grant Expenditure – Feasibility Study Establishment Off-Road Vehicle Area	\$0	\$57,000	\$57,000
Net Rate Funds			\$0

### COUNCIL RESOLUTION

**MOVED: Cr De Campo    SECONDED: Cr Eiby**

**29578**

That Council amend the Shire of Manjimup 2024/25 Annual Budget to recognise grant income from the Off-Road Vehicle Special Purpose Account and associated expenditure to develop a Feasibility Study for the Establishment of an Off-Road Vehicle Area, in accordance with the following table:

Description	Current Budget	Amended Budget	Variation
Revenue – Off-Road Vehicle Special Purpose Account	\$0	(\$57,000)	(\$57,000)
Grant Expenditure – Feasibility Study Establishment Off-Road Vehicle Area	\$0	\$57,000	\$57,000
Net Rate Funds			\$0

**CARRIED: 8/0**

**For:** Cr Darin, Cr De Campo, Cr Eiby, Cr Miolin, Cr Omodei, Cr Ventris, Cr Willcox, Cr Winfield.

**Against:** Nil.

**ATTACHMENT  
APPENDIX**

**9.15.1 Unconfirmed Minutes of the Northcliffe Forest Park Advisory Committee Meeting held 4 September 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Northcliffe Forest Park
<b>WARD</b>	Rural
<b>ZONE</b>	N/A
<b>DIRECTORATE</b>	Works & Services
<b>FILE REFERENCE</b>	F170372
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Nicole Booth
<b>DATE OF REPORT</b>	16 September 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

The Northcliffe Forest Park Advisory Committee is an Advisory Committee of Council, formed in accordance with Part 5 of the *Local Government Act 1995*.

This report is to present to Council the unconfirmed minutes of the Northcliffe Forest Park Advisory Committee meeting held on 4 September 2024, as attached.

**ATTACHMENT: 9.15.1 (1)**

The functions of the advisory committee are to:

1. Ensure the park is managed in accordance with the Northcliffe Forest Park Management Plan.
2. Provide advice to the Friends of Group and Council regarding daily and strategic management of the park.
3. To provide comment on the Shire of Manjimup's forward fuel reduction plan for the Northcliffe Forest Park and to communicate with the agency carrying out any fuel reduction actions in order to minimise any conflict with park use.

**PUBLIC CONSULTATION UNDERTAKEN**

Nil



## COMMENT

There are two recommendations requiring Council approval including amending the current Terms of Reference. The current Terms of Reference are appended for Council's reference.

### APPENDIX: 9.15.1 (A)

Committee Recommendation	Officer's Recommendation
Amend the Terms of Reference for the Northcliffe Forest Park Advisory Committee to add Andrew Conway as Manager Parks and Gardens.	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report.
Subject to the amendment of "nature plan" to "nature play" in item 9.6 of the minutes of the meeting held on 20 March 2024 are adopted as a true record of proceedings of the meeting of 20 March 2024.	The Committee's resolution is supported and dealt with as part of the recommendations to Council in this report.

The amended Northcliffe Forest Park Advisory Committee Terms of Reference to add Andrew Conway as Manager Park and Gardens are attached.

### ATTACHMENT: 9.15.1 (2)

Previously confirmed minutes of the meeting of 20 March 2024 are appended to note and amend the wording of "nature plan" to "nature play" in item 9.6 of the minutes.

### APPENDIX: 9.15.1 (B)

## STATUTORY ENVIRONMENT

*Local Government Act 1995*

## POLICY / STRATEGIC IMPLICATIONS

Advisory Committees of Council ensure appropriate levels of community involvement in assisting the Shire manage its public open space and the relevant infrastructure assets.

## ORGANISATIONAL RISK MANAGEMENT

Nil.

## **FINANCIAL IMPLICATIONS**

The Northcliffe Forest Park Advisory Committee is responsible for the management of the budget allocated for the Northcliffe Forest Park's maintenance, capital improvement and reserves.

## **SUSTAINABILITY**

Environmental: The Northcliffe Forest Park is a heavily vegetated reserve in close proximity to the town providing both social benefits and public safety concerns in respect to fire management.

Economic: Nil.

Social: The Northcliffe Forest Park is an important reserve for the Northcliffe community.

## **VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

## **OFFICER RECOMMENDATION**

### **That Council**

- 1. Receive the unconfirmed minutes of the Northcliffe Forest Park Advisory Committee meeting held 4 September 2024, as shown in attachment.**
- 2. Amend the Terms of Refence for the Northcliffe Forest Park Advisory Committee to add Andrew Conway as Manager Parks and Gardens.**
- 3. Note the amendment of “nature plan” to “nature play” in item 9.6 of the minutes of the meeting held on 20 March 2024 and are adopted as a true record of proceedings of the meeting of 20 March 2024.**

## **COUNCIL RESOLUTION**

**MOVED: Cr Eiby**

**SECONDED: Cr De Campo**

**29579**

### **That Council**

- 1. Receive the unconfirmed minutes of the Northcliffe Forest Park Advisory Committee meeting held 4 September 2024, as shown in attachment.**
- 2. Amend the Terms of Refence for the Northcliffe Forest Park Advisory Committee to add Andrew Conway as Manager Parks and**

**Gardens.**

- 3. Note the amendment of “nature plan” to “nature play” in item 9.6 of the minutes of the meeting held on 20 March 2024 and are adopted as a true record of proceedings of the meeting of 20 March 2024.**

**CARRIED: 8/0**

**For:** Cr Darin, Cr De Campo, Cr Eiby, Cr Miolin, Cr Omodei, Cr Ventris, Cr Willcox, Cr Winfield.

**Against:** Nil.

**ATTACHMENT  
APPENDIX**

**9.16.1 Unconfirmed Minutes of the Manjimup Heritage Park Advisory Committee Meeting held on 13 August 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Reserve 26199 (Manjimup Heritage Park) Ward, Giblett and Edwards Streets, Manjimup
<b>WARD</b>	Urban
<b>ZONE</b>	N/A
<b>DIRECTORATE</b>	Community & Recreation Services
<b>FILE REFERENCE</b>	F170453
<b>LEGISLATION</b>	<i>Local Government 1995</i>
<b>AUTHOR</b>	Kelsie Brown
<b>DATE OF REPORT</b>	2 September 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

The Manjimup Heritage Park Advisory Committee is an Advisory Committee of Council formed under the provisions of the *Local Government Act 1995*. The functions of the Committee outlined in the current Terms of Reference for the Advisory Committee are:

1. To provide advice to Council on the orderly development, maintenance, and promotion of the Manjimup Heritage Park.
2. To facilitate the implementation of projects and initiatives as outlined in the Manjimup Heritage Park Management and Development Plan.
3. Undertake voluntary work at the Manjimup Heritage Park.
4. To support delegate opportunities to represent the Heritage Park, specifically the heritage precinct, on external bodies.
5. To assist, advise and participate in Manjimup Heritage Park Activation.
6. To engage and consult with the Aboriginal and Torres Strait Islander community in relation to activation and development of the Park.

The current Terms of Reference of the Committee are appended.

**APPENDIX: 9.16.1 (A)**

The purpose of this report is to present the unconfirmed meeting notes, action items and proposed amendments to the Terms of Reference of the Manjimup Heritage Park Advisory Committee meeting held 13 August 2024. A copy of the meeting minutes, action items and proposed Terms of Reference are attached.

**ATTACHMENT: 9.16.1 (1)  
ATTACHMENT: 9.16.1 (2)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

There are four recommendations arising from this meeting, with three requiring a decision of Council.

<b>Committee Recommendation</b>	<b>Officer Comment</b>
Accept possession of items offered for donation as listed below, in accordance with Collections Committee advice: <ul style="list-style-type: none"> <li>• PIAB Dynamometer</li> <li>• Field notebooks</li> <li>• Miscellaneous electrical items and catalogues</li> <li>• Megger</li> <li>• Assorted electrical equipment</li> </ul>	As per Committee Recommendation
Accept the resignation of Marie Manns as the Manjimup Community Garden Representative and thank her for her service to the Committee.	As per Committee Recommendation
Accept the nomination of Francis Hull as the Community Garden Representative.	As per Committee Recommendation
The Park Planting Plan is revisited after the commencement of the new Parks Manager, Andrew Conway.	Supported, however this is an operational matter and will be tabled for discussion at a future Committee meeting.

With the proposed recommended change of representation on the Manjimup Heritage Park Advisory Committee, it is necessary to amend the Terms of Reference to incorporate these changes. The proposed Terms of Reference for the Committee, with the above reflected changes are attached.

**ATTACHMENT: 9.16.1 (2)**

**STATUTORY ENVIRONMENT**

*Local Government Act 1995.*

**POLICY / STRATEGIC IMPLICATIONS**

The Terms of Reference, actions and activities of the Heritage Park Advisory Committee are consistent with the following strategies and directions identified in the Shire of Manjimup Strategic Community Plan 2021-2031:

- *C2. Support volunteer community groups, encourage participation (particularly in the areas of emergency management) and acknowledge contributions to the community.*
- *C18. Create, support, and promote a broad range sporting, recreational and social opportunities that are accessible and inclusive for all ages and abilities.*
- *C20. Facilitate, develop, and promote a broad range of cultural and art capabilities, facilities, events and achievements.*
- *C22. Document and conserve local historical records, stories and artefacts and make them available for everyone to study and enjoy.*
- *C23. Work with stakeholders to preserve and share local Indigenous tradition and culture, including identified sites of significance.*
- *D5. Develop and maintain community infrastructure to a service-level that meets the community's needs.*
- *D8. Develop town centres to showcase their unique characters and encourage vibrant, mixed-use commercial and public spaces.*
- *D10. Provide for public parks and playgrounds that are accessible and attractive with well-maintained amenities and equipment.*

The Committee is also supported by the Manjimup Heritage Park Management and Development Plan 2022 – 2027.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: The Manjimup Heritage Park educational activities contribute to the flora, fauna and environmental awareness of visitors and community members.

Economic: The Manjimup Heritage Park is a visitor destination / attraction and is a key contributor to the region's visitor economy.

Social: The preservation, conservation and interpretation of heritage and history is critical for ensuring future generations have an understanding as to how the modern world has evolved. It is important for future generations to have access to the region's heritage and historical information and the sense

of place that such knowledge offers. The Park is a significant community location and visitor destination for the region.

## **VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

### **OFFICER RECOMMENDATION**

**That Council:**

- 1. Receive the unconfirmed minutes of the Manjimup Heritage Park Advisory Committee meeting held 13 August 2024 as per Attachment 9.16.1 (1)**
- 2. Endorse the recommendation to accept possession of Collection items offered for donation as listed below:**
  - i. PIAB Dynamometer**
  - ii. Field notebooks**
  - iii. Miscellaneous electrical items and catalogues**
  - iv. Megger**
  - v. Assorted electrical testing equipment**
- 3. Accept the resignation of Marie Manns as the Manjimup Community Garden Representative and thank her for her service on the Committee.**
- 4. Accept the nomination of Francis Hull as the Community Garden Representative.**
- 5. Adopt the amended Terms of Reference of the Manjimup Heritage Park Advisory Committee as per Attachment 9.16.1 (2).**

### **COUNCIL RESOLUTION**

**MOVED: Cr Eiby**

**SECONDED: Cr De Campo**

**29580**

**That Council:**

- 1. Receive the unconfirmed minutes of the Manjimup Heritage Park Advisory Committee meeting held 13 August 2024 as per Attachment 9.16.1 (1)**
- 2. Endorse the recommendation to accept possession of Collection items offered for donation as listed below:**
  - i. PIAB Dynamometer**
  - ii. Field notebooks**
  - iii. Miscellaneous electrical items and catalogues**

- iv. Megger
  - v. Assorted electrical testing equipment
3. **Accept the resignation of Marie Manns as the Manjimup Community Garden Representative and thank her for her service on the Committee.**
  4. **Amend the Terms of Reference of the Manjimup Heritage Park Advisory Committee to re3lect the vacant position resulting from the resignation of Marie Manns.**
  5. **Request the Chief Executive Officer to call for nominations for current representative and proxy vacancies on the Manjimup Heritage Park Advisory Committee.**

**CARRIED: 8/0**

**For:** Cr Darin, Cr De Campo, Cr Eiby, Cr Miolin, Cr Omodei, Cr Ventris, Cr Willcox, Cr Winfield.

**Against:** Nil.



**ATTACHMENT  
APPENDIX**

**9.16.2 Unconfirmed Minutes of Walpole Town Activation Advisory Committee Meeting held 27 August 2024**

<b>PROPONENT</b>	Walpole Town Activation Advisory Committee
<b>OWNER</b>	N/A
<b>LOCATION / ADDRESS</b>	Walpole Town Centre
<b>WARD</b>	Rural
<b>ZONE</b>	N/A
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	F170457
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Kelli Summerfield; Jocelyn Baister
<b>DATE OF REPORT</b>	10 September 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

The Walpole Town Activation Advisory Committee is an Advisory Committee of Council, formed in accordance with Part 5 of the *Local Government Act 1995*. In accordance with the adopted Terms of Reference, the functions of the Committee are:

1. *Identification of opportunities for space activation within Walpole Townsite.*
2. *Liaison with other relevant community groups and / or service agencies over potential art or cultural projects.*
3. *Assisting the Shire of Manjimup officers in drafting design guidelines to guide future developments with the Town Centre Precincts.*
4. *Assist in co-ordinating community participation.*
5. *Communicate and inform the local community about activities of the Committee.*
6. *Provide advice on Tourism and Marketing campaigns relating to the Walpole Community.*

A copy of the Terms of Reference, as adopted by Council at its Ordinary Meeting held on 24 October 2023 are appended.

**APPENDIX: 9.16.2(A)**

The latest meeting of the Walpole Town Activation Advisory Committee was held on 27 August 2024. A copy of the unconfirmed minutes relating to that meeting are shown attached.

**ATTACHMENT: 9.16.2 (1)**

## PUBLIC CONSULTATION UNDERTAKEN

Nil.

## COMMENT

As reflected within the unconfirmed minutes, the committee passed a single recommendation. The following table details that recommendation requiring consideration by Council.

Committee Recommendation		Officer Comment
1.	<p>That the Terms of Reference be amended as follows:</p> <p>Remove Mr Spencer Roberts as Manager Parks Operations (proxy) and replace with Mr Andrew Conway as Manager Parks Operations (proxy).</p> <p>Remove Mr Brian Robinson as Director Development &amp; Regulation and replace with Mr Jason Giadresco as Director Development Services.</p> <p>Remove Ms Georgia Schipp as Events Administration Officer (proxy).</p> <p>Remove the position of Events Administration Officer completely.</p> <p>Advertise the position of Community Representative which is vacant due to the passing of Ms Sheree Gray.</p>	<p>The recommendation be supported and the Terms of Reference be amended accordingly. See attachment 9.16.2 (2)</p>

It was a general consensus of the committee that, as there have been regular absences from members of the committee, that Shire Staff attempt to contact those members to ascertain the participation interest for the remaining time of the term.

The committee's recommendation to amend the Terms of Reference reflects changes to staff movements and position title changes and has therefore been consolidated into one officer recommendation.

## STATUTORY ENVIRONMENT

The Committee is an Advisory Committee formed by Council in accordance with the *Local Government Act 1995*. Committee members are bound by the Terms of Reference and the Shire's Standing Orders.

## POLICY / STRATEGIC IMPLICATIONS

The Walpole Town Activation Advisory Committee provides the Shire of Manjimup a way of obtaining local input into planning for improvement works and space activation within the Walpole Townsite.

The committee has helped to advise Council pertaining to identified budgeted projects within the Walpole Town centre. It has also helped to improve the town through improvements to accessibility and making the town more attractive and inviting whilst managing its unique character, consistent with the Community Goal 4.4 as identified in the Shire's Strategic Community Plan 2021 – 2031.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: The Committee assists the Shire in identifying future improvement works and opportunities for space activation within the town.

Economic: By addressing opportunities for space activation within the town centre, operation of the committee ensures opportunities for economic development are maximised and that local businesses will benefit.

Social: In accordance with the terms of reference, a key element of the committee's role is to ensure community involvement in future development programs.

## **VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

## **OFFICER RECOMMENDATION**

**That Council:**

- 1. Receive and note the unconfirmed Minutes of the Walpole Town Activation Advisory Committee held on 27 August 2024 as shown at Attachment 9.16.2 (1).**
- 2. Amend the Terms of Reference for the Walpole Town Activation Advisory Committee as follows:**

- a. Remove Mr Spencer Roberts as Manager Parks Operations (proxy) and replace with Mr Andrew Conway as Manager Parks Operations (proxy).
  - b. Remove Mr Brian Robinson as Director Development & Regulation and replace with Mr Jason Giadresco as Director Development Services.
  - c. Remove Ms Georgia Schipp as Events Administration Officer (proxy).
  - d. Remove the position of Events Administration Officer completely.
3. Authorise the Chief Executive Officer to advertise any Community Representative vacant positions.

### **COUNCIL RESOLUTION**

**MOVED:** Cr Willcox      **SECONDED:** Cr Omodei

**29581**

**That Council:**

1. Receive and note the unconfirmed Minutes of the Walpole Town Activation Advisory Committee held on 27 August 2024 as shown at Attachment 9.16.2 (1).
2. Amend the Terms of Reference for the Walpole Town Activation Advisory Committee as follows:
  - a. Remove Mr Spencer Roberts as Manager Parks Operations (proxy) and replace with Mr Andrew Conway as Manager Parks Operations (proxy).
  - b. Remove Mr Brian Robinson as Director Development & Regulation and replace with Mr Jason Giadresco as Director Development Services.
  - c. Remove Ms Georgia Schipp as Events Administration Officer (proxy).
  - d. Remove the position of Events Administration Officer completely.
3. Authorise the Chief Executive Officer to advertise any Community Representative vacant positions.

**CARRIED: 8/0**

**For:** Cr Darin, Cr De Campo, Cr Eiby, Cr Miolin, Cr Omodei, Cr Ventris, Cr Willcox, Cr Winfield.

**Against:** Nil.

**ATTACHMENT  
APPENDIX**

**9.16.3 Unconfirmed Minutes of the Northcliffe Town Activation  
Advisory Committee Held 30 August 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	Northcliffe Town Centre
<b>WARD</b>	Rural
<b>ZONE</b>	N/A
<b>DIRECTORATE</b>	Development Services
<b>FILE REFERENCE</b>	F170455
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Kelli Summerfield; Jocelyn Baister
<b>DATE OF REPORT</b>	11 September 2024
<b>DECLARATION OF INTEREST</b>	Nil

**BACKGROUND**

The Northcliffe Town Activation Advisory Committee is an Advisory Committee of Council, formed in accordance with Part 5 of the *Local Government Act 1995*. In accordance with the adopted Terms of Reference, the functions of the Committee are:

1. *Identification of opportunities for space activation within Northcliffe townsite;*
2. *Liaison with other relevant community groups and/or service agencies over potential art and cultural projects;*
3. *Assisting the Shire of Manjimup officers in drafting design guidelines to guide future developments within the Town Centre;*
4. *Assist in co-ordinating community participation; and*
5. *Communicate and inform the local community about activities of the Committee.*

A copy of the Terms of Reference, as adopted by Council at its Ordinary Meeting held on 24 October 2023 are appended.

**APPENDIX: 9.16.3(A)**

The latest meeting of the Northcliffe Town Advisory Committee meeting was held on 30 August 2024. A copy of the unconfirmed minutes relating to that meeting are shown attached.

**ATTACHMENT: 9.16.3 (1)**

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

## COMMENT

As reflected within the unconfirmed minutes, the committee passed several recommendations. The following table details those recommendations requiring consideration by Council.

Committee Recommendation		Officer Comments
1.	To take the recommendation from the Northcliffe Town Activation Advisory Committee to Council for further consideration of dual naming or indigenous origin of place to Council, and for that to be taken to the Reconciliation Action Plan (RAP) group for further consideration for all towns within the Shire of Manjimup.	The recommendation is supported.
2.	That the Terms of Reference be amended as follows: Remove Mr Spencer Roberts as Manager Parks Operations (proxy) and replace with Mr Andrew Conway as Manager Parks Operations (proxy). Remove Mr Brian Robinson as Director Development & Regulation and replace with Mr Jason Giadresco as Director Development Services. Remove the position of Events Administration Officer completely.	The recommendation be supported and the Terms of Reference be amended accordingly. See attachment 9.16.3 (2) The officer recommendation to council has been stated separately for clarity.
3.	That the Terms of Reference be amended as follows: Membership to state 1 Rural Ward Councillor instead of 1 Urban Ward Councillor Replace Director Development and Regulation with Director Development Services throughout the document That the Community Representatives change from 4 to 6 That the quorum changes from 5 to 6 Members of the Committee	The recommendation be supported and the Terms of Reference be amended accordingly. See attachment 9.16.3 (2) The officer recommendation to council has been stated separately for clarity.

It was a general consensus of the committee that, as there have been regular absences from members of the committee, that Shire Staff attempt to contact those members to ascertain the participation interest for the remaining time of the term.

The committee's recommendation to amend the Terms of Reference reflects changes to staff movements and position title changes and has therefore been consolidated into one officer recommendation.

## **STATUTORY ENVIRONMENT**

The Committee is an Advisory Committee formed by Council in accordance with the *Local Government Act 1995*. Committee members are bound by the Terms of Reference and the Shire's Standing Orders.

**ATTACHMENT: 9.16.3(2)**

## **POLICY / STRATEGIC IMPLICATIONS**

The Northcliffe Town Activation Advisory Committee provides the Shire of Manjimup with a local input into planning or improvement works and space activation within the Northcliffe townsite.

Revitalisation of the Northcliffe Town Centre will ensure that the town is accessible, attractive and inviting whilst maintaining its unique character, consistent with Community Goal 4.45 and identified in the Shire's Strategic Community Plan 2021 – 2031.

## **ORGANISATIONAL RISK MANAGEMENT**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **SUSTAINABILITY**

Environmental: The Committee assists the Shire in identifying future improvement works and opportunities for space activation within the town.

Economic: By addressing opportunities for space activation within the town centre, operation of the committee ensures opportunities for economic development area maximised and that local businesses will benefit.

Social: In accordance with the terms of reference, a key element of the committee's role is to ensure community involvement in future development programs.

**VOTING REQUIREMENTS: ABSOLUTE MAJORITY****OFFICER RECOMMENDATION**

**That Council:**

- 1. Receive and note the unconfirmed Minutes of the Northcliffe Town Activation Advisory Committee held on 30 August 2024 as shown at Attachment 9.16.3 (1).**
- 2. Have the Reconciliation Action Plan Advisory Committee consider the dual naming or indigenous origin of place for all towns within the Shire of Manjimup.**
- 3. Amend the Terms of Reference for the Northcliffe Town Activation Advisory Committee as follows:**
  - a. Remove Mr Spencer Roberts as Manager Parks Operations (proxy) and replace with Mr Andrew Conway as Manager Parks Operations (proxy).**
  - b. Remove Mr Brian Robinson as Director Development & Regulation and replace with Mr Jason Giadresco as Director Development Services.**
  - c. Remove the position of Events Administration Officer completely.**
  - d. The membership to state 1 Rural Ward Councillor instead of 1 Urban Ward Councillor.**
  - e. Replace Director Development and Regulation with Director Development Services throughout the document.**
  - f. That the Community Representatives change from 4 to 6.**
  - g. That the quorum changes from 5 to 6 Members of the Committee.**
- 4. Authorise the Chief Executive Officer to advertise any Community Representative vacant positions.**

**COUNCIL RESOLUTION**

**MOVED: Cr Eiby**

**SECONDED: Cr Darin**

**29582**

**That Council:**

- 1. Receive and note the unconfirmed Minutes of the Northcliffe Town Activation Advisory Committee held on 30 August 2024 as shown at Attachment 9.16.3 (1).**
- 2. Have the Reconciliation Action Plan Advisory Committee consider the dual naming or indigenous origin of place for all towns within the Shire of Manjimup.**
- 3. Amend the Terms of Reference for the Northcliffe Town Activation**



**Advisory Committee as follows:**

- a. Remove Mr Spencer Roberts as Manager Parks Operations (proxy) and replace with Mr Andrew Conway as Manager Parks Operations (proxy).
  - b. Remove Mr Brian Robinson as Director Development & Regulation and replace with Mr Jason Giadresco as Director Development Services.
  - c. Remove the position of Events Administration Officer completely.
  - d. The membership to state 1 Rural Ward Councillor instead of 1 Urban Ward Councillor.
  - e. Replace Director Development and Regulation with Director Development Services throughout the document.
  - f. That the Community Representatives change from 4 to 6.
  - g. That the quorum changes from 5 to 6 Members of the Committee.
4. Authorise the Chief Executive Officer to advertise any Community Representative vacant positions.

**CARRIED: 8/0**

**For:** Cr Darin, Cr De Campo, Cr Eiby, Cr Miolin, Cr Omodei, Cr Ventris, Cr Willcox, Cr Winfield.

**Against:** Nil.

**ATTACHMENT  
APPENDIX**

**9.16.4 Unconfirmed Minutes of the Reconciliation Action Plan  
Advisory Committee Meeting held 20 September 2024**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS:</b>	Whole of Shire
<b>WARD:</b>	Whole of Shire
<b>ZONE:</b>	Whole of Shire
<b>DIRECTORATE:</b>	Community Services
<b>FILE REFERENCE:</b>	F210319
<b>LEGISLATION:</b>	<i>Local Government Act 1995; Aboriginal Heritage Act 1972</i>
<b>AUTHOR:</b>	Gail Ipsen Cutts
<b>DATE OF REPORT:</b>	19 September 2024
<b>DECLARATION OF INTEREST:</b>	Nil

**BACKGROUND**

The Reconciliation Action Plan Advisory Committee (RAPAC) is an Advisory Committee of Council formed under the provisions of the *Local Government Act 1995*. The functions of the Committee outlined in the current Terms of Reference for the Advisory Committee are:

- To provide guidance and support to the Shire of Manjimup for the implementation of the Reconciliation Action Plan (RAP).
- To provide advice and make recommendation to Council regarding matters concerning the Reconciliation Action Plan and its implementation.
- To be available and to provide a focal point for connection with the Aboriginal and Torres Strait Islander community.
- Representative Members acknowledge and accept their role as a representative of the Aboriginal and Torres Strait Islander community and to act as a key liaison for the broader community.
- Communicate and inform represented groups and the local community regarding activities of the Committee.
- Play an active role in the promotion and development of Aboriginal and Torres Strait Islander cultural awareness across the Shire of Manjimup.

The current Terms of Reference for the RAPAC are appended.

**APPENDIX: 9.16.4(A)**

The purpose of this agenda item is for Council to receive the unconfirmed minutes of the meeting held on 20 September 2024 and to endorse the proposed amendments to the Terms of Reference. The unconfirmed RAPAC minutes and proposed Terms of Reference are attached.

ATTACHMENT: 9.16.4 (1)

ATTACHMENT: 9.16.4 (2)

**PUBLIC CONSULTATION UNDERTAKEN**

Nil.

**COMMENT**

There are four recommendations arising from this meeting, three that require a decision of Council and two which will be dealt with administratively.

<b>Committee Recommendation</b>	<b>Officer Recommendation</b>
That Council note the RAP Committee extended its support for the Rea Park and Collier Street Precinct Redevelopment, and agreed to support a proposal that would see it work closely with the Shire on identifying opportunities for new artworks, dual naming, a Welcome to Country and other cultural inclusion concepts to be included in the Rea Park and Collier Street Redevelopment project.	As per Committee Recommendation
That Council support the recommendation that the RAP Committee investigate and identify photographs/stories (potentially from the Battye Library and Southwest Aboriginal Land and Sea Council) for display in the Manjimup Town Hall reflecting Aboriginal custodianship of the area to provide a more comprehensive story of the area's history	As per Committee Recommendation
Money in Shire budget (\$5,000) for RAP Implementation be used to part fund the yarning circle opening event.	As per Committee Recommendation. Dealt with Administratively
That Betty Cornwall be formally removed from the Committee and Marika Councillor nominated to the vacant ATSI Community Representative position.	As per Committee Recommendation

Ms Cornwall was appointed as an Aboriginal and Torres Strait Islander (ATSI) representative on the RAPAC in early 2022. Up to now Ms Cornwall has only attended two meetings, follow up correspondence and meeting reminders have failed to get any response from Ms Cornwall, and as such the committee have now moved to remove Ms Cornwall as a ATSI representative and nominate a replacement.

## **STATUTORY ENVIRONMENT**

*Aboriginal Heritage Act 1972 and Local Government Act 1995.*

## **POLICY AND STRATEGIC IMPLICATIONS**

The RAP relates to goals and strategies in the Shire of Manjimup Strategic Community Plan 2021-2031 including, but not limited to:

- *Community Goal 3.8: Diversity, inclusivity and harmony are the foundations of strong community spirit, and we celebrate and honour our diverse cultures, heritage, and lifestyles.*
- *Strategy C20: Facilitate, develop, and promote a broad range of cultural and art capabilities, facilities, events, and achievements.*
- *Strategy C23: Work with stakeholders to preserve and share local Indigenous tradition and culture, including identified sites of significance. and*
- *Community Infrastructure Goal 4.8: Places of heritage value are recognised and retained.*

The Shire of Manjimup Corporate Business Plan 2023-2027 includes an action being to “Implement the outcomes as identified in the Reconciliation Action Plan.”

## **ORGANISATIONAL RISK MANAGEMENT**

The Shire Reflect RAP has fostered engagement with local Aboriginal and Torres Strait Islander people, and encourage participation in community consultations, cultural inclusion, and a better understanding of related issues.

A decision by Council not to continue with a RAP could be perceived politically, and by the broader community as an indication that Council and the Shire of Manjimup do not support Reconciliation. It is the opinion of staff that this has the potential to seriously impact Council’s and the Shires reputation.

## **FINANCIAL IMPLICATIONS**

There are no implications for the current financial year budget.

## **SUSTAINABILITY**

Environmental: The Reflect RAP seeks to consider opportunities and appropriate processes to involve Aboriginal people in sustainable natural resource management and in the protection and restoration of significant cultural locations, including totemic trees.

Economic: The Reflect RAP outlines several actions which seek to consider opportunities for Aboriginal and Torres Strait Islander employment and supplier diversity.

Social: The Reflect RAP outlines the Shire of Manjimup's vision of reconciliation, which is to foster meaningful relationships communication and respect between all Australian peoples, thereby strengthening the foundation of our local communities.

## **VOTING REQUIREMENTS: ABSOLUTE MAJORITY**

### **OFFICER RECOMMENDATION:**

**That Council:**

- 1. Receive the unconfirmed minutes of the Reconciliation Action Plan Advisory Committee meeting held 20 September 2024 as per attachment: 9.16.4 (1).**
- 2. Note the Reconciliation Action Plan Advisory Committee support for the Rea Park and Collier Street Precinct Redevelopment, and agreement to support a proposal that would see it work closely with the Shire on identifying opportunities for new artworks, dual naming, a Welcome to Country and other cultural inclusion concepts to be included in the Rea Park and Collier Street Redevelopment project.**
- 3. Support the investigation into identifying photographs/stories for display in the Manjimup Town Hall reflecting traditional Aboriginal custodianship of the area to provide a more comprehensive story of the area's history.**
- 4. Note the removal of Betty Cornwall as Aboriginal and Torres Strait Islander Representative on the Reconciliation Action Plan Advisory Committee.**
- 5. Accept the nomination of Marika Councillor to the vacant position of Aboriginal and Torres Strait Islander Representative on the Reconciliation Action Plan Advisory Committee.**

6. **Adopted the amended Reconciliation Action Plan Advisory Committee Terms of Reference as per attachment: 9.16.4 (1).**

#### **COUNCIL RESOLUTION**

**MOVED: Cr Winfield      SECONDED: Cr Eiby**

**29583**

**That Council:**

1. **Receive the unconfirmed minutes of the Reconciliation Action Plan Advisory Committee meeting held 20 September 2024 as per attachment: 9.16.4 (1).**
2. **Note the Reconciliation Action Plan Advisory Committee support for the Rea Park and Collier Street Precinct Redevelopment, and agreement to support a proposal that would see it work closely with the Shire on identifying opportunities for new artworks, dual naming, a Welcome to Country and other cultural inclusion concepts to be included in the Rea Park and Collier Street Redevelopment project.**
3. **Support the investigation into identifying photographs/stories for display in the Manjimup Town Hall reflecting traditional Aboriginal custodianship of the area to provide a more comprehensive story of the area's history.**
4. **Note the removal of Betty Cornwall as Aboriginal and Torres Strait Islander Representative on the Reconciliation Action Plan Advisory Committee.**
5. **Accept the nomination of Marika Councillor to the vacant position of Aboriginal and Torres Strait Islander Representative on the Reconciliation Action Plan Advisory Committee.**
6. **Adopted the amended Reconciliation Action Plan Advisory Committee Terms of Reference as per attachment: 9.16.4 (1).**

**CARRIED: 8/0**

**For: Cr Darin, Cr De Campo, Cr Eiby, Cr Miolin, Cr Omodei, Cr Ventris, Cr Willcox, Cr Winfield.**

**Against: Nil.**

**10. LATE REPORTS**

Nil.

**11. QUESTIONS FROM MEMBERS**

11.1 Response to questions from members taken on notice.

Nil.

11.2 Questions from members.

Nil.

**12. MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING**

Nil.

**13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY  
DECISION OF THE MEETING**

Nil.

## 14. MEETING CLOSED TO THE PUBLIC

14.1 Matters for which the meeting may be closed.

### VOTING REQUIREMENTS: SIMPLE MAJORITY

#### OFFICER RECOMMENDATION:

**MOVED:** Cr De Campo    **SECONDED:** Cr Omodei

**29584**

**That Council goes behind closed doors to consider:**

**Item 14.1.1 as under Section 5.23(2) (d) it deals with legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.**

**Item 14.1.2 as under Section 5.23(2) (e) it deals with a matter that if disclosed, would reveal (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government.**

**Item 10.1 as under Section 5.23(2) (c) it deals with a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.**

**CARRIED: 8/0**

**For:** Cr Darin, Cr De Campo, Cr Eiby, Cr Miolin, Cr Omodei, Cr Ventris, Cr Willcox, Cr Winfield.

**Against:** Nil.

### 14.1.1 Lease Conditions - Gallery Hotel - 80 Rose Street, Manjimup

<b>PROPONENT</b>	Manjimup Investments (WA) Pty Ltd
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	80 Rose Street, Manjimup
<b>WARD</b>	Urban
<b>ZONE</b>	Town Centre



<b>DIRECTORATE</b>	Business
<b>FILE REFERENCE</b>	F200038
<b>LEGISLATION</b>	<i>Local Government Act 1995</i>
<b>AUTHOR</b>	Jasmine Bamess; Phillip St John
<b>DATE OF REPORT</b>	13 August 2024
<b>DECLARATION OF INTEREST</b>	Nil

**14.1.2 Reallocation of Funds Identified for Verge Works - 80 Rose Street, Manjimup**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	80 Rose Street, Manjimup
<b>WARD</b>	Urban
<b>ZONE</b>	Town Centre
<b>DIRECTORATE</b>	Office of the CEO
<b>FILE REFERENCE</b>	F200038
<b>LEGISLATION</b>	Local Government Act 1995
<b>AUTHOR</b>	Phillip St John
<b>DATE OF REPORT</b>	12 September 2024
<b>DECLARATION OF INTEREST</b>	Nil

**10.1 Proposed building works - 5 (Lot 45) Brockman Street, Manjimup**

<b>PROPONENT</b>	Shire of Manjimup
<b>OWNER</b>	Shire of Manjimup
<b>LOCATION / ADDRESS</b>	5 (Lot 45) Brockman Street, Manjimup
<b>WARD</b>	Urban
<b>ZONE</b>	Town Centre
<b>DIRECTORATE</b>	Enter text
<b>FILE REFERENCE</b>	F210296
<b>LEGISLATION</b>	Enter text
<b>AUTHOR</b>	Phillip St John
<b>DATE OF REPORT</b>	2 October 2024
<b>DECLARATION OF INTEREST</b>	Nil

**MOVED: Cr De Campo    SECONDED: Cr Omodei**

**29585**

**That Council come from behind closed doors.**

**CARRIED: 8/0**

**For:** Cr Darin, Cr De Campo, Cr Eiby, Cr Miolin, Cr Omodei, Cr Ventris, Cr Willcox, Cr Winfield.

**Against:** Nil.

14.2 Public reading of resolutions that may be made public.

## **RESOLUTIONS WERE READ OUT**

### **14.1.1**

**That Council note the report and acknowledge that the Chief Executive Officer will continue to monitor compliance with this lease and to issue further default notices should this be necessary.**

### **14.1.2**

**That Council:**

- 1. Determine that clause 11 of the lease between the Shire of Manjimup and Manjimup Investments (WA) Pty Ltd does not apply on the basis that the Lessee is not considered to have met the necessary requirements of this clause.**
- 2. Include an amount of \$113,134, this being the amount all Rent received from the Lessee in respect of the Lease Years commencing on the first and second anniversaries of the Commencement Date of the lease, for consideration for reallocation to other purposes as part of the budget review process to be undertaken in November 2024.**

### **10.1**

**That Council:**

- 1. Agree, subject to satisfactory budget allocation, to undertake the two story extension at the rear of 5D Brockman Street, Manjimup, (including a lift, universal access toilet and kitchen space as shown at Attachment: 1.1(1).**
- 2. Request that the Chief Executive Officer call tenders for the construction of these works.**
- 3. Note that the final decision on whether to undertake these**

works will be made following assessment of tenders and if a suitable budget amendment is made to allocate sufficient funds for this project.

**15. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**16. CLOSURE**

There being no further business to discuss the Shire President thanked those in attendance and closed the meeting at 6.14pm.

**SIGNED:.....DATE: .....**

**Donelle Buegge  
Shire President**

**SIGNED:.....DATE:.....**

**Steve Miolin  
Presiding Member (Deputy Shire President)**